
STATUTORY INSTRUMENTS

2020 No. 1637

The Agricultural Products, Food and Drink
(Amendment etc.) (EU Exit) Regulations 2020

PART 5

Amendment of retained direct EU legislation

Commission Regulation (EC) No 2870/2000

16.—(1) Commission Regulation (EC) No 2870/2000 laying down Community reference methods for the analysis of spirits drinks ^{M1} is amended as follows.

(2) In Article 1, in the words before the first indent—

- (a) omit “Community”;
- (b) for the words from “Regulation (EEC) No 1576/89^{M2}” to “1014/90” substitute “Regulation 110/2008^{M3}”.

(3) In Article 3—

- (a) number the existing paragraph as paragraph 1;
- (b) in paragraph 1 (as numbered by sub-paragraph (a)), in the words before point (a)—
 - (i) omit “Community”;
 - (ii) after “down” insert “ in retained EU law ”;
- (c) in point (a), for “the Annex to Directive 85/591/EEC” substitute “ Annex 3 to Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products ^{M4} ”;
- (d) in point (d), for the first indent substitute—

“— in relation to an official control being carried out in an individual case, an analytical method approved by the appropriate authority by administrative decision,”;
- (e) after paragraph 1 (as numbered by sub-paragraph (a)) insert—

“2. In this Article:

- (a) regardless of where the analysis itself is carried out, ‘the appropriate authority’ means:
 - (i) in a case of an analysis carried out as part of an official control relating to the production, labelling or marketing of a drink as a spirit drink, or category of spirit drink, in England, the Secretary of State;

- (ii) in a case of an analysis carried out as part of an official control relating to the production, labelling or marketing of a drink as a spirit drink, or category of spirit drink, in Scotland, the Scottish Ministers;
 - (iii) in a case of an analysis carried out as part of an official control relating to the production, labelling or marketing of a drink as a spirit drink, or category of spirit drink, in Wales, the Welsh Ministers;
 - (b) ‘retained EU law’ has the meaning given in section 6(7) of the European Union (Withdrawal) Act 2018 but does not include any legislation so far as it extends to Northern Ireland.”.
- (4) In Article 4, after point (c) insert—
- “(d) ‘Regulation 110/2008’: means Regulation (EC) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks.”.
- (5) After Article 5 omit the words from “This Regulation” to “States.”.
- (6) In the Annex—
- (a) in Chapter 3 (determination of volatile substances and methanol of spirit drinks), in Part 3.1 (general remarks)—
 - (i) in paragraph 1, in the words before point 1, for “Regulation (EEC) No 1576/89” substitute “Regulation 110/2008 ”;
 - (ii) in paragraph 2, in the second subparagraph, for “Regulation (EEC) No 1576/89” substitute “Regulation 110/2008 ”;
 - (b) in Chapter 6 (determination of glycyrrhizic acid using high performance liquid chromatography), in paragraph 1, for “Regulation (EEC) No 1576/89” substitute “Regulation 110/2008 ”;
 - (c) in Chapter 7 (high-performance liquid chromatography method for verifying the presence of chalcones in pastis), in paragraph 1, in the second subparagraph, for “Regulation (EEC) No 1576/89” substitute “Regulation 110/2008 ”.

Commencement Information

- II** Reg. 16 in force at 31.12.2020, see reg. 1(7)
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Marginal Citations

- M1** EUR 2000/2870. Prospective amendments were included in [S.I. 2019/865](#). They would have come into force on IP completion day. Those prospective amendments are omitted by regulation 6 of this instrument and are replaced, in relation to Great Britain, on IP completion day with the amendments in regulation 16 of this instrument.
- M2** OJ No. L 160, 12.6.1989, p. 1, repealed by Regulation (EC) No 110/2008 of the European Parliament and of the Council (OJ No. L 39, 13.2.2008, p. 16).
- M3** EUR 2008/110. Prospective amendments were included in [S.I. 2019/759](#), 778. They would have come into force on IP completion day. They are omitted by regulations 4 and 5 of this instrument and replaced, in relation to Great Britain, on IP completion day with the amendments in regulation 17 of, and Schedule 1 to, this instrument.
- M4** EUR 2017/625.

Regulation (EC) No 110/2008 of the European Parliament and of the Council

17.—(1) Regulation (EC) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks is amended as follows.

(2) In Article 1—

(a) in paragraph 2—

- (i) for “the Community”, in the first place it occurs, substitute “ Great Britain ”;
- (ii) for “the Community”, in the second place it occurs, substitute “ Great Britain, Northern Ireland ”;
- (iii) for “the Community for export” substitute “ Great Britain for movement to Northern Ireland or export to a third country ”;

(b) in paragraph 3—

- (i) after “where” insert “ a spirit drink is being moved to Northern Ireland, or exported to a third country, and the law that applies in Northern Ireland, or ”;
- (ii) after “importing third country” insert “ , as the case may be, ”;
- (iii) for the words from “the regulatory” to the end substitute “ paragraphs 4 to 6 ”;

(c) after paragraph 3 insert—

“4. A derogation may be granted:

- (a) by regulations, or
- (b) on application, by administrative decision, where regulations have not been made or where regulations have been made but do not apply in a particular case.

5. An application of the type referred to in paragraph 4(b) may be made:

- (a) to the Secretary of State, in the case of an operator intending to:
 - (i) export a consignment of a spirit drink from England to a relevant third country;
 - (ii) move a consignment of a spirit drink from England to Northern Ireland;
- (b) to the Scottish Ministers, in the case of an operator intending to:
 - (i) export a consignment of a spirit drink from Scotland to a relevant third country;
 - (ii) move a consignment of a spirit drink from Scotland to Northern Ireland;
- (c) to the Welsh Ministers, in the case of an operator intending to:
 - (i) export a consignment of a spirit drink from Wales to a relevant third country;
 - (ii) move a consignment of a spirit drink from Wales to Northern Ireland.

6. An application of the type referred to in paragraph 4(b) must be made in relation to one type of spirit drink and on a consignment by consignment basis.

7. In this Article—

- (a) ‘consignment’ means a quantity of one type of spirit drink covered by a single document required for customs formalities and may be composed of more than one lot;
- (b) ‘lot’ has the meaning given in regulation 2 of the Food (Lot Marking) Regulations 1996 ^{M5}, as it extends to Great Britain;
- (c) ‘relevant third country’ means a third country of the type referred to in paragraph 3.”.

(3) After Article 2 insert—

“Article 2a

Definition of third country

In this Regulation, ‘third country’ means a country, other than the United Kingdom, and includes:

- (a) the Bailiwick of Guernsey;
- (b) the Bailiwick of Jersey;
- (c) the Isle of Man.”.

(4) In Article 5—

- (a) in paragraph 1(e), for the words from “shall be decided” to the end substitute “ may be specified in regulations ”;
- (b) in paragraph 2(e) omit the words from “and taking” to the end.

(5) Omit Article 6.

(6) In Article 7, after the existing paragraph insert—

“In this Chapter, ‘Great Britain's GIs Register’ means the register established and maintained by the Secretary of State under Article 33(1) of Regulation (EU) 2019/787 of the European Parliament and of the Council on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages.”.

(7) In Article 8, for “Article 5 of Directive 2000/13/EC^{M6}” substitute “ Article 17 of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers ^{M7} ”.

(8) In Article 9—

- (a) in paragraph 4, for “Annex III” substitute “ Great Britain's GIs Register ”;
- (b) in paragraph 5—
 - (i) for “Annex III” substitute “ Great Britain's GIs Register ”;
 - (ii) after “Chapter III” insert “ of Regulation (EU) 2019/787 ”;
- (c) in paragraph 6—
 - (i) in the words before point (a), for “Annex III” substitute “ Great Britain's GIs Register ”;
 - (ii) in point (a) omit “within the meaning of Article 20”;
 - (iii) in point (b), for “Article 17(1)” substitute “ paragraph 1 of Article 22 of Regulation (EU) 2019/787, as read with paragraph 2 of that Article ”;
- (d) in paragraph 7, for “Annex III” substitute “ Great Britain's GIs Register ”;
- (e) in paragraph 9, for “Directive 2000/13/EC” substitute “ Regulation (EU) No 1169/2011 ”;

(f) after paragraph 9 insert—

“10. In this Article, ‘established geographical indication’ means a geographical indication within the meaning of Article 3(4) of Regulation (EU) 2019/787 to which Article 54(2) of the EU withdrawal agreement applies.”.

(9) In Article 10—

(a) in paragraph 1—

(i) for “Directive 2000/13/EC” substitute “ Regulation (EU) No 1169/2011 ”;

(ii) for “Annex III” substitute “ Great Britain's GIs Register ”;

(b) in paragraph 4 omit “in the Community”.

(10) In Article 11(4), in the first subparagraph, for “Directive 2000/13/EC” substitute “ Regulation (EU) No 1169/2011 ”.

(11) In Article 12(3)—

(a) omit the words from the beginning to “25(3),”;

(b) at the end insert as a new sentence—

“Regulations may specify derogations in respect of this requirement.”.

(12) In Article 14—

(a) in paragraph 2, for “Annex III” substitute “ Great Britain's GIs Register ”;

(b) in paragraph 4, for “the Community” substitute “ Great Britain ”.

(13) Omit Articles 17(2)^{M8}, 20^{M9} and 24.

(14) For Article 25 substitute the new Articles 25 to 25c in Schedule 1.

(15) For Article 26 substitute—

“Article 26

Amendment of the Annexes

Annexes 1 and 2 may be amended by regulations.”.

(16) For Article 27 substitute—

“Article 27

Implementing regulations

1. Regulations may be made to make such provision as appears necessary to the appropriate authority in relation to the implementation of this Regulation.

2. In this Article, ‘the appropriate authority’ means the person specified in Article 25(1) (a), (b)(ii) or (c)(i), as the case may be or, in a case where the Secretary of State is to exercise the power to make regulations under this Article pursuant to Article 25(2) (having obtained the necessary consents required by Article 25(2)), the Secretary of State.”.

(17) In Article 28—

(a) omit paragraph 1;

(b) in paragraph 2—

- (i) for the words from the beginning to “adopted” substitute “Regulations may be made ”;
- (ii) omit “Community”;
- (c) in paragraph 3—
 - (i) omit the first sentence;
 - (ii) in the second sentence, for “prior to 20 February 2008 or until” substitute “ as it had effect in Great Britain immediately before ”.
- (18) After Article 30 omit the words from “This Regulation” to “States.”.
- (19) In Annex 1—
 - (a) in point (6)—
 - (i) in the first paragraph, for the words from “Council Directive [80/777/EEC](#)” to “consumption” substitute “ any relevant water quality legislation ”;
 - (ii) after the second paragraph insert—

“In this point, ‘relevant water quality legislation’ means:

 - (a) in relation to spirit drinks marketed in England:
 - (i) the Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007 ^{M10};
 - (ii) the Water Supply (Water Quality) Regulations 2016 ^{M11};
 - (iii) the Private Water Supplies (England) Regulations 2016 ^{M12};
 - (b) in relation to spirit drinks marketed in Scotland:
 - (i) the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No. 2) Regulations 2007 ^{M13};
 - (ii) the Public Water Supplies (Scotland) Regulations 2014 ^{M14};
 - (iii) the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 ^{M15};
 - (c) in relation to spirit drinks marketed in Wales:
 - (i) the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015 ^{M16};
 - (ii) the Private Water Supplies (Wales) Regulations 2017 ^{M17};
 - (iii) the Water Supply (Water Quality) Regulations 2018 ^{M18}.”;
 - (b) in point (10), for the words from “colorants” to the end substitute “ colours, as defined in entry 2 of Annex 1 to Regulation [\(EC\) No 1333/2008](#) of the European Parliament and of the Council on food additives ^{M19} ”.
 - (20) In Annex 2—
 - (a) in category 1—
 - (i) in point (a)(ii) for “Annex III” substitute “ Great Britain's GIs Register ”;
 - (ii) in point (f), for “in category 1 of Annex III” insert “ for rum in Great Britain's GIs Register ”;
 - (b) in category 9, in point (f), in the first subparagraph omit the second sentence;
 - (c) in category 15, in point (d), for “13(2) of Directive [2000/13/EC](#)” substitute “ 13(1) of Regulation (EU) No 1169/2011 ”;

- (d) in point (c) of each of categories 25, 26, 27, 28 and 29, for “1(2)(b)(i) and Article 1(2)(c) of Directive [88/388/EEC](#)” substitute “3(2)(c) and (d) of Regulation [\(EC\) No 1334/2008](#)^{M20}”;
 - (e) in category 32, in point (d), in the first subparagraph, in the words before the first indent omit “produced in the Community”;
 - (f) in category 37, in point (c), for “1(2)(b)(i) and Article 1(2)(c) of Directive [88/388/EEC](#)” substitute “3(2)(c) and (d) of Regulation [\(EC\) No 1334/2008](#)”;
 - (g) in category 37a—
 - (i) in the second paragraph omit “Member State or third”;
 - (ii) after the second paragraph insert—

“In the second paragraph, in relation to the United Kingdom, ‘country of the manufacture’ means the United Kingdom as a whole and does not mean England, Northern Ireland, Scotland or Wales individually.”;
 - (h) in point (c) of categories 42, 43, 45 and 46, for “1(2)(b)(i) and Article 1(2)(c) of Directive [88/388/EEC](#)” substitute “3(2)(c) and (d) of Regulation [\(EC\) No 1334/2008](#)”;
 - (i) in the category headed “*Other spirit drinks*”—
 - (i) in the paragraph numbered 1 (*Rum-Verschnitt*), in the final sentence omit the words from “Where” to “market.”;
 - (ii) in the paragraph numbered 2 (*Slivovice*), in the third sentence omit the words from “If” to “Community.”.
- (21) Omit Annex 3.

Commencement Information

I2 Reg. 17 in force at 31.12.2020, see reg. 1(7)

Marginal Citations

- M5** [S.I. 1996/1502](#), amended by [S.I. 2011/1043](#) and, in relation to England, by [S.I. 2014/1855](#) and, prospectively on IP completion day, by [S.I. 2019/150](#), in relation to Scotland, by [S.S.I. 2014/312](#) and, prospectively on IP completion day, by [S.S.I. 2019/53](#) and, in relation to Wales, by [S.I. 2014/2303](#) (W. 227), 2018/806 (W. 162) and, prospectively on IP completion day, by [S.I. 2019/435](#) (W. 103).
- M6** OJ No. L 109, 6.5.2000, p. 29, repealed by Regulation (EU) No 1169/2011 of the European Parliament and of the Council (OJ No. L 304, 22.11.2011, p. 18).
- M7** EUR 2011/1169, prospectively amended on IP completion day by [S.I. 2019/529](#), 778, 2020/1501.
- M8** By derogation from Article 49(1) of Regulation (EU) 2019/787 of the European Parliament and of the Council (OJ No. L 130, 17.5.2019, p. 1) (which repealed Chapter 3 of Regulation (EC) No 110/2008 of the European Parliament and of the Council (OJ No. L 39, 13.2.2008, p. 16) with effect from 8th June 2019), Article 49(2)(a) of Regulation (EU) 2019/787 of the European Parliament and of the Council made provision for Article 17(2) of Regulation (EC) No 110/2008 of the European Parliament and of the Council to continue to apply until 25th May 2021, with the consequence that the incorporation provision in section 3(1) of the European Union (Withdrawal) Act 2018 applies to Article 17(2) of Regulation (EC) No 110/2008 of the European Parliament and of the Council. Regulation 17(13) of this instrument omits that provision from Regulation (EC) No 110/2008 of the European Parliament and of the Council as incorporated into the domestic law of Great Britain.
- M9** By derogation from Article 49(1) of Regulation (EU) 2019/787 of the European Parliament and of the Council (OJ No. L 130, 17.5.2019, p. 1) (which repealed Chapter 3 of Regulation (EC) No 110/2008 of the European Parliament and of the Council (OJ No. L 39, 13.2.2008, p. 16) with effect from 8th June 2019), Article 49(2)(b) of Regulation (EU) 2019/787 of the European Parliament and of the Council made provision for Article 20 of Regulation (EC) No 110/2008 of the European Parliament

and of the Council to continue to apply for the period described in Article 49(2)(b) of Regulation (EU) 2019/787 of the European Parliament and of the Council, expiring no later than 25th May 2021, with the consequence that the incorporation provision in section 3(1) of the European Union (Withdrawal) Act 2018 applies to Article 20 of Regulation (EC) No 110/2008 of the European Parliament and of the Council. Regulation 17(13) of this instrument omits that provision from Regulation (EC) No 110/2008 of the European Parliament and of the Council as incorporated into the domestic law of Great Britain.

- M10** S.I. 2007/2785, amended by S.I. 2009/1598, 2010/433, 2011/451, 1043, 2014/1855, 2018/352, 2019/526, 1488 and prospectively on IP completion day by S.I. 2019/150, 775, 778, 2020/1501.
- M11** S.I. 2016/614, amended by S.I. 2017/506, 2018/378, 706, 2019/526 and prospectively, on IP completion day, by S.I. 2019/558.
- M12** S.I. 2016/618, amended by S.I. 2017/506, 2018/707 and prospectively on IP completion day by S.I. 2019/558.
- M13** S.S.I. 2007/483, amended by S.S.I. 2009/273, 2010/89, 127, 2011/94, S.I. 2011/1043, S.S.I. 2014/312, 2015/100, 363, 2017/287.
- M14** S.S.I. 2014/364; relevant amending instruments are S.S.I. 2015/346, 2017/281.
- M15** S.S.I. 2017/282, amended by S.S.I. 2017/321.
- M16** S.I. 2015/1867 (W. 274), amended by S.I. 2017/935 (W. 229).
- M17** S.I. 2017/1041 (W. 270); relevant amending instruments are S.I. 2019/460 (W. 110) prospectively on IP completion day and S.I. 2019/463 (W. 111).
- M18** S.I. 2018/647 (W. 121), amended by itself, by S.I. 2019/460 (W. 110) prospectively on IP completion day and S.I. 2019/463 (W. 111).
- M19** EUR 2008/1333, to which there are amendments not relevant to these Regulations.
- M20** EUR 2008/1334, to which there are amendments not relevant to these Regulations.

Regulation (EU) No 1151/2012 of the European Parliament and of the Council

18.—(1) Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs is amended as follows.

- (2) In Article 1—
- (a) at the end of point (b) insert “ and ”;
 - (b) at the end of point (c) omit “and”;
 - (c) omit point (d).
- (3) In Article 2—
- (a) in paragraph 1, in the second subparagraph, for the words from “Commission” to “56,” substitute “ Secretary of State may make regulations ”;
 - (b) in paragraph 2, for “Annex XIb to Regulation (EC) No 1234/2007^{M21}” substitute “ Part 2 of Annex 7 to Regulation 1308/2013 ”;
 - (c) in paragraph 3—
 - (i) for “Union provisions” substitute “ provisions in retained EU law ”;
 - (ii) for “the single common organisation of the markets, and” substitute “ provisions in, or under, Regulation 1308/2013 and provisions relating ”;
 - (d) omit paragraph 4.
- (4) In Article 3—
- (a) in point (6), for “Union” substitute “ United Kingdom ”;
 - (b) after point (8) insert the points in Part 1 of Schedule 2.
- (5) After Article 3 insert the new Article 3a in Part 2 of Schedule 2.
- (6) In Article 4(b), for “the Union” substitute “ Great Britain ”.

- (7) In Article 5(4)—
- (a) in the first subparagraph, for the words from “Commission” to “56,” substitute “ Secretary of State may make regulations ”;
 - (b) in the second subparagraph, for the words from “Commission” to “56,” substitute “ Secretary of State may make regulations ”.
- (8) In Article 7—
- (a) in paragraph 1(e) omit the words from “, taking” to the end of that point;
 - (b) in paragraph 2—
 - (i) in the first subparagraph, for the words from “Commission” to “56,” substitute “ Secretary of State may make regulations ”;
 - (ii) in the second subparagraph—
 - (aa) for “Commission may adopt implementing acts” substitute “ Secretary of State may make regulations ”;
 - (bb) omit the second sentence.
- (9) In Article 8—
- (a) in paragraph 1, in the words before point (a), for “49(2) or (5)” substitute “ 49 ”;
 - (b) omit paragraph 2.
- (10) Omit Article 9.
- (11) In Article 10—
- (a) in paragraph 1, in the words before point (a), for “Commission” substitute “ Secretary of State ”;
 - (b) in paragraph 2, for “the Union” substitute “ Great Britain, except that, in relation to paragraph 1(d), the grounds for opposition must be assessed in relation to the territory of the United Kingdom ”.
- (12) In Article 11—
- (a) in paragraph 1, for the words from “Commission” to “maintaining” substitute “ Secretary of State must establish and maintain ”;
 - (b) in paragraph 2—
 - (i) for “the Union”, in the first place it occurs, substitute “ Great Britain ”;
 - (ii) for “Union”, in the second place it occurs, substitute “ United Kingdom ”;
 - (iii) at the end insert—

“The entry in the register is to be treated as taking effect:

 - (a) in a case where the register is established by the Secretary of State after IP completion day but before the end of the day following the day on which IP completion day falls and the entry is in the register as established during that period, on IP completion day;
 - (b) in any other case, immediately the entry is made.”;
 - (c) in paragraph 3—
 - (i) for “Commission may adopt implementing acts” substitute “ Secretary of State may make regulations ”;
 - (ii) omit the second sentence;
 - (d) in paragraph 4, for “Commission” substitute “ Secretary of State ”.
- (13) In Article 12—

- (a) in paragraph 2 omit “Union”;
 - (b) in paragraph 3—
 - (i) for “the Union”, in the first place it occurs, substitute “ Great Britain ”;
 - (ii) after “that are marketed” insert “ in Great Britain ”;
 - (iii) for the words from “registered in” to “Regulation” substitute “ to which paragraph 3a applies ”;
 - (iv) omit “Union” in the second place it occurs;
 - (c) after paragraph 3 insert—
 - “**3a.** This paragraph applies to:
 - (a) an established protected designation of origin and an established protected geographical indication;
 - (b) a protected designation of origin and a protected geographical indication registered following a decision made by the Secretary of State under Article 52 in relation to an application made under Article 49(2).”;
 - (d) in paragraph 4, for the words from “Member State” to the end substitute “ United Kingdom or the third country, or region, as relevant, in which that geographical area of origin is located ”;
 - (e) in paragraph 5, for the words from “Directive 2000/13/EC” to “2008/95/EC^{M22}” substitute “ Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, the collective geographical marks registered under the TMA ”;
 - (f) in paragraph 6—
 - (i) after “originating in” insert “ Northern Ireland or ”;
 - (ii) omit “Union”;
 - (g) in paragraph 7—
 - (i) in the first subparagraph—
 - (aa) for the words from “Commission” to “56,” substitute “ Secretary of State may make regulations ”;
 - (bb) omit “Union”;
 - (ii) in the second subparagraph—
 - (aa) for “Commission may adopt implementing acts” substitute “ Secretary of State may make regulations ”;
 - (bb) omit “Union”;
 - (cc) omit “, including rules concerning the appropriate linguistic versions to be used”;
 - (dd) omit the second sentence.
- (14) In Article 13(3)—
- (a) in the first subparagraph—
 - (i) for “Member States” substitute “ The designated authority ”;
 - (ii) for “that Member State” substitute “ Great Britain ”;
 - (b) omit the second subparagraph;
 - (c) in the third subparagraph, for “These authorities” substitute “ The designated authority ”.

- (15) In Article 14—
- (a) in paragraph 1—
- (i) in the first subparagraph, for “Commission” substitute “ Secretary of State ”;
 - (ii) in the third subparagraph, for “Directive 2008/95/EC” substitute “ the TMA ”;
- (b) in paragraph 2, in the first sentence—
- (i) omit the words from “if” to “concerned”;
 - (ii) for “Union” substitute “ United Kingdom ”;
 - (iii) for “Commission” substitute “ Secretary of State ”;
 - (iv) for the words from “under Council” to “2008/95/EC” substitute “ in, or under, the TMA ”.
- (16) After Article 14 insert the new Articles 14a and 14b in Part 3 of Schedule 2.
- (17) In Article 15—
- (a) in paragraph 1—
- (i) in the first subparagraph, in the words before point (a)—
 - (aa) for the words from “Commission” to “years” substitute “ Secretary of State may, by regulations, make provision for a transitional period of up to five years to apply ”;
 - (bb) omit “originating in a Member State or a third country”;
 - (cc) for “on condition” substitute “ if the Secretary of State is satisfied ”;
 - (dd) omit “Article 49(3) or”;
 - (ii) omit the second subparagraph;
- (b) in paragraph 2—
- (i) in the first subparagraph—
 - (aa) in the words before point (a), for the words from “the Commission” to “shown” substitute “ an application may be made to the Secretary of State to extend the transitional period mentioned in paragraph 1 to 15 years in duly justified cases and the Secretary of State may, by regulations, make provision for such a transitional provision if the Secretary of State is satisfied ”;
 - (bb) in point (a), for “Commission” substitute “ Secretary of State ”;
 - (ii) omit the second subparagraph;
- (c) in paragraph 4—
- (i) in the first subparagraph—
 - (aa) for the words from “a Member State may” to “10 years” substitute “ nothing in this Regulation prevents the Secretary of State from using any power the Secretary of State has to make regulations to provide for a transitional period of up to 10 years to apply ”;
 - (bb) for “Commission” substitute “ Secretary of State ”;
 - (cc) omit “to the authorities of the Member State”;
 - (dd) omit “national”;
 - (ee) for “49(3)” substitute “ 51 ”;
 - (ii) in the third subparagraph, for “dossier referred to in Article 8(2)” substitute “ submitted under Article 8(1) ”.

(18) In Article 16—

- (a) in paragraph 1—
 - (i) in the first sentence, for the words from the beginning to “entered in”, in the second place it occurs, substitute “The Secretary of State must enter the names of established protected designations of origin and established protected geographical indications in”;
 - (ii) after the first sentence insert—

“The entries are to be treated as taking effect on IP completion day.”
 - (iii) in the last sentence, after “such registrations” insert “under EU Regulation 1151/2012^{M23}, as they stood immediately before IP completion day,”;
- (b) in paragraph 2, for the words from “Commission” to “56,” substitute “Secretary of State may make regulations”;
- (c) in paragraph 3—
 - (i) at the beginning insert “In relation to established protected designations of origin and established protected geographical indications,”;
 - (ii) after “Regulation (EC) No 510/2006^{M24}” insert “, as that Regulation had effect in Great Britain immediately before it was repealed by EU Regulation 1151/2012,”;
- (d) after paragraph 3 insert—

“4. Article 12(3) (which requires that the symbol associated with the marketing in Great Britain of a product originating in Great Britain must appear on the labelling of certain products) is disapplied in respect of a product to which it would otherwise apply, for a period of three years, beginning with the day after the day on which IP completion day falls, on condition that the product concerned is marketed under an established protected designation of origin or an established protected geographical indication.

5. In paragraph 1, in relation to an established protected designation of origin and an established protected geographical indication, ‘corresponding specifications’ means the product specification for the relevant designation of origin or geographical indication as the specification stood immediately before IP completion day.”.

(19) In Article 18—

- (a) in paragraph 3 omit “Member State or in a third”;
- (b) in paragraph 4, for “Union legislation” substitute “retained EU law”;
- (c) in paragraph 5, for the words from “Commission” to “56,” substitute “Secretary of State may make regulations”.

(20) In Article 19—

- (a) in paragraph 1(a) omit “, in the appropriate language versions”;
- (b) in paragraph 2—
 - (i) in the first subparagraph, for the words from “Commission” to “56,” substitute “Secretary of State may make regulations”;
 - (ii) in the second subparagraph—
 - (aa) for “Commission may adopt implementing acts” substitute “Secretary of State may make regulations”;
 - (bb) omit the second sentence.

- (21) In Article 20—
- (a) in paragraph 1, in the words before point (a) omit “(2) or (5)”;
 - (b) omit paragraph 2.
- (22) In Article 21—
- (a) in paragraph 1, in the words before point (a), for “Commission” substitute “ Secretary of State ”;
 - (b) in paragraph 2, for “the Union” substitute “ Great Britain ”.
- (23) In Article 22—
- (a) in paragraph 1, for the words from “Commission” to “maintaining” substitute “ Secretary of State must establish and maintain ”;
 - (b) in paragraph 2—
 - (i) for “Commission may adopt implementing acts” substitute “ Secretary of State may make regulations ”;
 - (ii) omit the second sentence.
- (24) In Article 23—
- (a) in paragraph 2 omit “Union”;
 - (b) in paragraph 3—
 - (i) in the first subparagraph—
 - (aa) for “the Union” substitute “ Great Britain ”;
 - (bb) after “that are marketed” insert “ in Great Britain ”;
 - (cc) for the words from “that is” to “Regulation” substitute “ to which paragraph 3a applies ”;
 - (ii) in the second subparagraph, for “the Union” substitute “ Great Britain ”;
 - (c) after paragraph 3 insert—

“3a. This paragraph applies to:

 - (a) an established protected traditional speciality guaranteed;
 - (b) a traditional speciality guaranteed registered following a decision made by the Secretary of State under Article 52 in relation to an application made under Article 49(2).”;
- (d) in paragraph 4—
- (i) in the first subparagraph—
 - (aa) for the words from “Commission” to “56,” substitute “ Secretary of State may make regulations ”;
 - (bb) omit “Union”;
 - (ii) in the second subparagraph—
 - (aa) for “Commission may adopt implementing acts” substitute “ Secretary of State may make regulations ”;
 - (bb) omit “Union”;
 - (cc) omit the words from “, including” to the end.
- (25) In Article 24—
- (a) in paragraph 2—

- (i) for “Member States” substitute “ The designated authority ”;
- (ii) for “at national level” substitute “ in Great Britain ”;
- (b) in paragraph 3—
 - (i) for “Commission may adopt implementing acts” substitute “ Secretary of State may make regulations ”;
 - (ii) omit the second sentence.
- (26) In Article 25—
 - (a) in paragraph 1—
 - (i) in the first sentence, for the words from the beginning to “entered in” substitute “ The Secretary of State must enter the names of established protected traditional specialities guaranteed in ”;
 - (ii) after the first sentence insert—

“The entries are to be treated as taking effect on IP completion day.”;
 - (iii) in the last sentence, after “such registrations” insert “ under EU Regulation 1151/2012 as it had effect in Great Britain immediately before IP completion day ”;
 - (b) in paragraph 2—
 - (i) for the words from the beginning to “Regulation,” substitute “ An unreserved TSG name ”;
 - (ii) omit the words from “unless” to the end;
 - (iii) insert as the second and third subparagraphs—

“When the Secretary of State records an entry relating to the name on Great Britain's TSGs Register under paragraph 1, the Secretary of State must include a statement that the name may continue to be used as a traditional speciality guaranteed until 4 January 2023.

The Secretary of State must remove the entry relating to the name from Great Britain's TSGs Register on, or as soon as possible after, 4 January 2023, unless the second subparagraph of paragraph 2 applies to the entry relating to that name in the meantime.”;
 - (c) after paragraph 2 insert—

“**2a.** An application to register an unreserved TSG name may be made to the Secretary of State under Article 49 of this Regulation.

If successful, the entry for the name in Great Britain's TSGs Register must be adjusted, as appropriate, and, following that adjustment, the entry in Great Britain's TSGs Register for that name applies without any time restriction.”;
 - (d) in paragraph 3—
 - (i) for the words from “Commission” to “56,” substitute “ Secretary of State may make regulations ”;
 - (ii) at the end insert “ relating to the entries to be made in the register referred to in Article 22 under paragraph 1 ”;
 - (e) after paragraph 3 insert—

“4. Article 23(3) (which requires that the symbol associated with the marketing in Great Britain of a product originating in Great Britain must appear on the labelling of certain products) is disapplied in respect of a product to which it would otherwise apply, for a period of three years, beginning with the day after the day on which IP completion day falls, if the product concerned is marketed under an established protected traditional speciality guaranteed.

5. In this Article—

- (a) in relation to an established protected traditional speciality guaranteed, ‘corresponding specifications’ means the product specification for the relevant traditional speciality guaranteed as the specification stood immediately before IP completion day;
- (b) ‘the European Commission's TSGs Register’ means the register maintained by the European Commission pursuant to Article 22 of EU Regulation 1151/2012;
- (c) ‘an unreserved TSG name’ means the name of a traditional speciality guaranteed that was registered on the European Commission's TSGs Register in accordance with the requirements laid down in Article 13(1) of Regulation (EC) No 509/2006, including a name registered pursuant to an application referred to in the second subparagraph of Article 58(1) of EU Regulation 1151/2012, before IP completion day, but does not include a name for which:
 - (i) a successful application was made to the European Commission under Article 26 of EU Regulation 1151/2012 before IP completion day, and
 - (ii) any necessary adjustment has been made to the entry for that name on the European Commission's TSGs Register pursuant to Article 26(4) of EU Regulation 1151/2012 before IP completion day.”.

(27) Omit Article 26.

(28) In Article 27, for “the internal market” substitute “ Great Britain ”.

(29) For Article 28 substitute—

“Article 28

Existing enactments

1. Nothing in this Regulation prevents the maintenance of any enactment in domestic legislation on optional quality terms that is not covered by this Regulation and is in force immediately before IP completion day, provided that the enactment is not contrary to retained EU law.

2. In paragraph 1:

- (a) ‘enactment in domestic legislation’ means an enactment contained in:
 - (i) an Act or in an Order in Council, order, rules, regulations or other instrument made under an Act;
 - (ii) an Act of the Scottish Parliament or in an instrument made under an Act of the Scottish Parliament;

- (iii) a Measure or Act of Senedd Cymru or in an instrument made under a Measure or Act of Senedd Cymru;
- (b) ‘maintenance’ includes repeal and replacement, and revocation and replacement, without, in both cases, any substantive modification of the provisions describing and regulating the use of the relevant optional quality term.

3. A modification of provisions relating to the enforcement of an enactment in domestic legislation on optional quality terms is not to be regarded as a modification of the enactment in domestic legislation on optional quality terms.”.

(30) In Article 29—

- (a) in paragraph 1(c), for “European” substitute “ Great British ”;
- (b) in paragraph 4, for the words from “Commission” to “56,” substitute “ Secretary of State may make regulations ”;
- (c) in paragraph 5—
 - (i) for “Commission may adopt implementing acts” substitute “ Secretary of State may make regulations ”;
 - (ii) omit the second sentence;
- (d) in paragraph 6—
 - (i) for “adopting delegated and implementing acts” substitute “ making regulations ”;
 - (ii) for “Commission” substitute “ Secretary of State ”.

(31) In Article 30—

- (a) in paragraph 1, for the words from “Commission” to “56,” substitute “ Secretary of State may make regulations ”;
- (b) in paragraph 2, for the words from “Commission” to “56,” substitute “ Secretary of State may make regulations ”.

(32) In Article 31—

- (a) in paragraph 2—
 - (i) in the first sentence—
 - (aa) for “the Union” substitute “ Great Britain ”;
 - (bb) for “Article 18(1) of Regulation (EC) No 1257/1999^{M25}”, in the first place it occurs, substitute “ Article 32(1)(a) of Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) ^{M26} ”;
 - (ii) in the second sentence—
 - (aa) after “For” insert “ Northern Ireland and ”;
 - (bb) after “the” insert “ authorities in Northern Ireland or the relevant ”;
 - (cc) for “Article 18(1) of Regulation (EC) No 1257/1999”, in the second place it occurs, substitute “ Article 32(2) of Regulation (EU) No 1305/2013 of the European Parliament and of the Council ”;
- (b) in paragraph 3—
 - (i) for the words from “Commission”, in the first place it occurs, to “56,” substitute “ Secretary of State may make regulations ”;

- (ii) for the words from “Commission”, in the second place it occurs, to “act” substitute “ Secretary of State may make regulations ”;
 - (c) in paragraph 4, for the words from “Commission” to “56,” substitute “ Secretary of State may make regulations ”.
- (33) Omit Article 32.
- (34) In Article 33(2)—
- (a) for “Commission may adopt implementing acts” substitute “ Secretary of State may make regulations ”;
 - (b) omit the second sentence.
- (35) In Article 34, for “Member States” substitute “ The designated authority ”.
- (36) In Article 37—
- (a) in paragraph 1, in the second subparagraph, for “The Member States may also contribute” substitute “ Nothing in this Regulation prevents the Secretary of State from contributing ”;
 - (b) in paragraph 2—
 - (i) in the words before point (a), after “originating in” insert “ Northern Ireland or ”;
 - (ii) in point (a), after “by the” insert “ authorities in Northern Ireland or the relevant ”;
 - (c) in paragraph 3—
 - (i) for “Commission” substitute “ Secretary of State ”;
 - (ii) at the end insert “ , in such manner as appears appropriate to the Secretary of State from time to time ”;
 - (d) omit paragraph 4.
- (37) In Article 39—
- (a) in the heading, after “in” insert “ Northern Ireland and ”;
 - (b) in the paragraph, after “controls in” insert “ Northern Ireland or ”.
- (38) In Article 40—
- (a) in paragraph 1—
 - (i) for “Member States” substitute “ The Secretary of State ”;
 - (ii) for the words from “41” to the end substitute “ 109(1), 110(2) and 111(2) of Regulation (EU) 2017/625 ”;
 - (b) in paragraph 2, for “44 of Regulation (EC) No 882/2004^{M27}” substitute “ 113(1) of Regulation (EU) 2017/625 ”.
- (39) In Article 41—
- (a) in paragraph 1—
 - (i) after “use” insert “ in Great Britain ”;
 - (ii) for “Union” substitute “ United Kingdom ”;
 - (b) in paragraph 2(b) omit “national or Union”;
 - (c) in paragraph 3, for the words from “Commission” to “56,” substitute “ Secretary of State may make regulations ”;
 - (d) after paragraph 3 insert—

“4. In this Article, ‘legal acts’ means legislation of the following kind whenever passed, made or adopted:

- (a) an Act and an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act;
- (b) Northern Ireland legislation, an enactment contained in an instrument made under Northern Ireland legislation, and, so far as it applies to Northern Ireland, anything that forms part of domestic law by virtue of section 7A of the EUWA and the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement;
- (c) an Act of the Scottish Parliament and an enactment contained in an instrument made under an Act of the Scottish Parliament;
- (d) a Measure or Act of Senedd Cymru and an enactment contained in an instrument made under a Measure or Act of Senedd Cymru;
- (e) retained direct EU legislation.”.

(40) In Article 42(2), for the words from “Commission” to “56,” substitute “ Secretary of State may make regulations ”.

(41) In Article 43—

- (a) for “Union rules or to those of Member States” substitute “ retained EU law and any other enactments ”;
- (b) for “those rules” substitute “ that law and those enactments ”.

(42) In Article 44—

- (a) omit paragraph 2;
- (b) in paragraph 3—
 - (i) for “Commission shall adopt implementing acts” substitute “ Secretary of State may make regulations ”;
 - (ii) omit the second sentence.

(43) In Article 45—

- (a) in paragraph 1—
 - (i) in the words before point (a), for “Regulation (EC) No 1234/2007” substitute “ Regulation 1308/2013 ”;
 - (ii) in point (a), for the words from “competent authorities” to “other competent” substitute “ the competent authority or any designated ”;
- (b) in paragraph 2—
 - (i) for “Member States”, in the first place it occurs, substitute “ The Secretary of State ”;
 - (ii) for “on their territories” substitute “ in Great Britain ”;
 - (iii) for the second and third sentences substitute—

“The Secretary of State must publish the names and addresses of the groups referred to in Article 3(2) in such manner as appears appropriate to the Secretary of State from time to time.”;

- (c) after paragraph 2 insert—

“3. In this Article, ‘the competent authority’ means the person specified in regulation 3(1) of the Quality Schemes Regulations.”.

(44) In Article 46—

- (a) in paragraph 1, for “Member States” substitute “ The Secretary of State ”;
- (b) in paragraph 3, for “Member States” substitute “ The Secretary of State ”.

- (45) In Article 47—
- (a) for “(EC) No 882/2004” substitute “ (EU) 2017/625 ”;
 - (b) for “Member States may charge” substitute “ nothing in this Regulation prevents the Secretary of State from charging ”.
- (46) In Article 49—
- (a) in paragraph 1, in the first subparagraph omit “Member States or third”;
 - (b) in paragraph 2—
 - (i) in the first sub-paragraph—
 - (aa) for “a Member State”, in both places it occurs, substitute “ the United Kingdom ”;
 - (bb) for “addressed to the authorities of that Member State” substitute “ lodged with the Secretary of State ”;
 - (ii) omit the second sub-paragraph;
 - (c) omit paragraphs 3 and 4;
 - (d) in paragraph 5, for “Commission,” substitute “ Secretary of State ”;
 - (e) in paragraph 6, for “Commission” substitute “ Secretary of State ”;
 - (f) in paragraph 7—
 - (i) omit the first subparagraph;
 - (ii) in the second subparagraph—
 - (aa) for “Commission may adopt implementing acts” substitute “ Secretary of State may make regulations ”;
 - (bb) omit the second sentence;
 - (g) after paragraph 7 insert—

“8. In relation to the reference to “different countries” in paragraph 1, the United Kingdom is to be regarded as being one country.”.

- (47) In Article 50—
- (a) in the heading, for “**Commission**” substitute “ **Secretary of State** ”;
 - (b) in paragraph 1—
 - (i) in the first subparagraph—
 - (aa) for “Commission”, in both places it occurs, substitute “ Secretary of State ”;
 - (bb) for “that it receives” substitute “ received ”;
 - (ii) in the second subparagraph—
 - (aa) for “Commission” substitute “ Secretary of State ”;
 - (bb) after “public” insert “ , in such manner as appears appropriate to the Secretary of State from time to time, ”;
 - (cc) for “it” substitute “ the Secretary of State ”;
 - (c) in paragraph 2—
 - (i) in the words before point (a)—
 - (aa) for “Commission” substitute “ Secretary of State ”;
 - (bb) for “it” substitute “ the Secretary of State ”;

- (cc) for “the *Official Journal of the European Union*” substitute “ such manner as appears appropriate to the Secretary of State from time to time ”;
 - (ii) in point (a) omit “the reference to the publication of the”.
- (48) In Article 51—
- (a) in paragraph 1—
 - (i) in the first subparagraph—
 - (aa) for “in the *Official Journal of the European Union*” substitute “ of the documents published under Article 50(2) ”;
 - (bb) omit “of a Member State or”;
 - (cc) omit “and established in a third country”;
 - (dd) for “Commission” substitute “ Secretary of State ”;
 - (ii) omit the second subparagraph;
 - (iii) in the last subparagraph, for “Commission” substitute “ Secretary of State ”;
 - (b) in paragraph 2, for “Commission”, in both places it occurs, substitute “ Secretary of State ”;
 - (c) in paragraph 3, in the first, second and third subparagraphs, for “Commission”, in each place it occurs, substitute “ Secretary of State ”;
 - (d) in paragraph 4, for “Commission” substitute “ Secretary of State ”;
 - (e) in paragraph 5, for “Commission” substitute “ Secretary of State ”;
 - (f) in paragraph 6—
 - (i) in the first subparagraph, for the words from “Commission” to “56,” substitute “ Secretary of State may make regulations ”;
 - (ii) in the second subparagraph—
 - (aa) for “Commission may adopt implementing acts” substitute “ Secretary of State may make regulations ”;
 - (bb) omit the second sentence.
- (49) In Article 52—
- (a) in paragraph 1—
 - (i) for “Commission”, in both places it occurs, substitute “ Secretary of State ”;
 - (ii) for “it shall adopt implementing acts rejecting” substitute “ the Secretary of State must reject ”;
 - (iii) omit the second sentence;
 - (b) in paragraph 2—
 - (i) for “Commission” substitute “ Secretary of State ”;
 - (ii) for the words from “it” to “registering” substitute “ the Secretary of State must register ”;
 - (c) in paragraph 3—
 - (i) in the words before point (a)—
 - (aa) for “Commission” substitute “ Secretary of State ”;
 - (bb) for “it” substitute “ the Secretary of State ”;
 - (ii) in point (a) omit the words from “by means” to “substantial”;

- (iii) in point (b), for the words from “adopt” to the end substitute “ decide whether to register the name ”;
- (d) for paragraph 4 substitute—

“4. After making a decision under this Article, the Secretary of State must publish in such manner as appears appropriate to the Secretary of State from time to time:

- (a) a notice:
 - (i) informing the applicant and the public of the decision made in relation to the application and the reasons for that decision, and
 - (ii) providing information about the right to appeal under Article 54a against the decision and the period within which an appeal may be made, and
- (b) where the application is approved, a copy of the approved product specification.

5. An implementing act to which paragraph 6 applies is revoked.

6. This paragraph applies to an implementing act adopted by the European Commission under Article 52 of EU Regulation 1151/2012 and incorporated into domestic law by section 3(1) of the EUWA.”.

(50) After Article 52 insert the new Article 52a in Part 4 of Schedule 2.

(51) In Article 53—

- (a) in paragraph 2, in the second subparagraph—
 - (i) for “Commission”, in both places it occurs, substitute “ Secretary of State ”;
 - (ii) for “the *Official Journal of the European Union*” substitute “ such manner as appears appropriate to the Secretary of State from time to time ”;
- (b) in paragraph 3—
 - (i) in the first subparagraph, for the words from “Commission” to “56,” substitute “ Secretary of State may make regulations ”;
 - (ii) in the second subparagraph—
 - (aa) for “Commission may adopt implementing acts” substitute “ Secretary of State may make regulations ”;
 - (bb) omit the second sentence;
- (c) after paragraph 3 insert—

“4. An implementing act to which paragraph 5 applies is revoked.

5. This paragraph applies to an implementing act:

- (a) concerning a decision of the European Commission relating to an application to amend a product specification for a designation of origin, geographical indication or traditional speciality guaranteed protected in the European Union at the time the application was submitted,

- (b) adopted by the European Commission pursuant to Article 53(2) of EU Regulation 1151/2012 following the appropriate procedure referred to in that paragraph, and
 - (c) incorporated into domestic law by section 3(1) of the EUWA.”.
- (52) In Article 54—
- (a) in paragraph 1—
 - (i) in the first subparagraph, in the words before point (a)—
 - (aa) for “Commission” substitute “ Secretary of State ”;
 - (bb) for “its” substitute “the Secretary of State's”;
 - (cc) for “adopt implementing acts to” substitute “ decide to ”;
 - (ii) in the second subparagraph, for “Commission” substitute “ Secretary of State ”;
 - (iii) omit the third subparagraph;
 - (b) in paragraph 2—
 - (i) in the first subparagraph, for the words from “Commission” to “56” substitute “ Secretary of State may make regulations ”;
 - (ii) in the second subparagraph—
 - (aa) for “Commission may adopt implementing acts” substitute “ Secretary of State may make regulations ”;
 - (bb) omit the second sentence;
 - (c) after paragraph 2 insert—
- “3. An implementing act to which paragraph 4 applies is revoked.
4. This paragraph applies to an implementing act adopted by the European Commission under Article 54(1) of EU Regulation 1151/2012 and incorporated into domestic law by section 3(1) of the EUWA.”.
- (53) After Title 5 insert the new Title 5A in Part 5 of Schedule 2.
- (54) In Title 6 omit Chapter 1.
- (55) For Article 56 substitute the Article in Part 6 of Schedule 2.
- (56) Omit Article 57.
- (57) In Article 58(1) omit the second subparagraph.
- (58) In Article 59 omit the second paragraph.
- (59) After Article 59 omit the words from “This Regulation” to “States.”.
- (60) After Annex 1 insert the new Annexes 1A and 1B in Part 7 of Schedule 2.

Commencement Information

I3 Reg. 18 in force at 31.12.2020, see reg. 1(7)

Marginal Citations

M21 OJ No. L 299, 16.11.2007, p. 1, repealed by Regulation (EU) No 1308/2013 of the European Parliament and of the Council (OJ No. L 347, 20.12.2013, p. 671).

- M22** OJ No. L 299, 8.11.2008, p. 25, repealed by Directive (EU) 2015/2436 of the European Parliament and of the Council (OJ No. L 336, 23.12.2015, p. 1).
- M23** See the footnote for the reference to Regulation (EU) No 1151/2012 in the definition being substituted in [S.I. 2018/1275](#) by regulation 2(2).
- M24** OJ No. L 93, 31.3.2006, p. 12, repealed by Regulation (EU) No 1151/2012 of the European Parliament and of the Council (OJ No. L 343, 14.12.2012, p. 1). Last amended before its repeal by Commission Regulation (EC) No 1326/2008 (OJ No. L 345, 23.12.2008, p. 20).
- M25** OJ No. L 160, 26.6.1999, p. 80, repealed by Council Regulation (EC) No 1698/2005 (OJ No. L 277, 21.10.2005, p. 1).
- M26** EUR 2013/1305, amended by [S.I. 2019/764](#); there are other amending instruments but none is relevant. No areas in the United Kingdom were designated as mountain areas before IP completion day under Article 32(1)(a) of Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (OJ No. L 347, 20.12.2013, p. 487).
- M27** OJ No. L 165, 30.4.2004, p. 1, repealed by Regulation (EU) 2017/625 of the European Parliament and of the Council (OJ No. L 95, 7.4.2017, p. 1).

Commission Implementing Regulation (EU) No 716/2013

19. In Commission Implementing Regulation (EU) No 716/2013 laying down rules for the application of Regulation [\(EC\) No 110/2008](#) of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks ^{M28}, after Article 23 omit the words from “This Regulation” to “States.”.

Commencement Information

- I4** Reg. 19 in force at 31.12.2020, see reg. 1(7)

Marginal Citations

- M28** EUR 2013/716; prospective amendments were included in [S.I. 2019/865](#). They would have come into force on IP completion day. They are omitted by regulation 6 of this instrument and replaced, in relation to Great Britain, on IP completion day with the amendments in regulation 19 of this instrument.

Regulation (EU) No 1308/2013 of the European Parliament and of the Council

20.—(1) Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products is amended as follows.

(2) In Article 93, after paragraph 1 insert—

“**1a.** For the purpose of ^{F1}Articles 102a, 102c and 102d] and Annex 9A:

^{F2}(za) ‘application to register a trade mark’ means an application to register a trade mark made under the TMA ^{F3};

(a) ‘an Article 99 approval notice’ means a notice published under Article 99(3) relating to a decision of the Secretary of State to approve an application to register a designation of origin or geographical indication;

^{F4}(aa) ‘bridging arrangements’ has the meaning given in Article 102c(2)(b);]

(b) ‘enters into force’, in relation to a reference to an international agreement, includes, where the provisional application of that agreement is agreed between the parties

before it enters into force, the provisional application of the agreement and ‘entry into force’ is to be construed accordingly;

- (c) ‘EUIA’ means an international agreement made between the European Union and a third country that provides for the protection of a designation of origin or geographical indication of the third country in the European Union;
- (d) ‘EU Regulation 1308/2013’ means Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products^{M29} as it had effect before IP completion day;
- (e) ‘Great Britain’s PDOs and PGIs Register’ means the register established and maintained by the Secretary of State under Article 104;
- (f) ‘the relevant period’ means the period beginning on IP completion day and expiring at the end of the day that falls nine months after the day on which IP completion day falls;
- [^{F5}(fa) ‘third country’ means—
 - (i) for the purposes of the definition of ‘EUIA’ in paragraph 1a(c), Article 102c and Annex 9A (other than the reference in paragraph (ii)), any country other than—
 - (aa) any part of the British Islands, or
 - (bb) any member State;
 - (ii) for the purposes of the reference in column 2 of row 6 of the Types Table in Part 3 of Annex 9A, any country other than any part of the British Islands;
 - (iii) for all other purposes, any country other than the United Kingdom, and includes:
 - (aa) the Bailiwick of Guernsey;
 - (bb) the Bailiwick of Jersey;
 - (cc) the Isle of Man;]
 - (g) ‘the TMA’ means the Trade Marks Act 1994^{M30};
 - (h) ‘the Types Table’ means the table in Part 3 of Annex 9A.

^{F6}**1b.**

- (3) After Article 93 insert the new Article 93a in Part 1 of Schedule 3.
- (4) After Article 102 insert the new Articles 102a and 102b in Part 2 of Schedule 3.
- (5) After Annex 9 insert the new Annex 9A in Part 3 of Schedule 3.

F1	Words in reg. 20(2) substituted (31.12.2020 immediately before IP completion day) by The Agricultural Products, Food and Drink (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1661) , regs. 1(2)(b), 16(5)(a)(i)
F2	Words in reg. 20(2) inserted (31.12.2020 immediately before IP completion day) by The Agricultural Products, Food and Drink (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1661) , regs. 1(2)(b), 16(5)(a)(ii)
F3	“The TMA” is defined in Article 93(1a)(g).
F4	Words in reg. 20(2) inserted (31.12.2020 immediately before IP completion day) by The Agricultural Products, Food and Drink (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1661) , regs. 1(2)(b), 16(5)(a)(iii)

- F5** Words in reg. 20(2) inserted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), **16(5)(a)(iv)**
- F6** Words in reg. 20(2) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), **16(5)(b)**

Commencement Information

- I5** Reg. 20 in force at 31.12.2020, see reg. 1(7)

Marginal Citations

- M29** OJ No. L 347, 20.12.2013, p. 671, to which there are amendments not relevant to this instrument.
- M30** [1994 c. 26](#). Section 49(1) was substituted by [S.I. 2018/825](#). Section 50(1) was amended by [S.I. 2018/825](#). Section 75 was amended by the [Crime and Courts Act 2013 \(c. 22\)](#), [Schedule 9, paragraph 134](#), [S.I. 2005/587](#). Section 76(6) was inserted by [S.I. 2005/587](#). Schedule 2A is prospectively inserted in the Trade Marks Act 1994 on IP completion day by [S.I. 2019/269](#). Schedule 2B is prospectively inserted in the Trade Marks Act 1994 on IP completion day by [S.I. 2019/638](#).

Regulation (EU) No 251/2014 of the European Parliament and of the Council

21.—(1) Regulation (EU) No 251/2014 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products is amended as follows.

(2) In Article 1(3)—

- (a) for “the Union”, in both places it occurs, substitute “ Great Britain ”;
- (b) for “the Member States” substitute “ Great Britain, in Northern Ireland ”.

(3) In Article 2, after point (3) insert the new points (4) to (19) in Part 1 of Schedule 4.

(4) In Article 4—

(a) in paragraph 2—

- (i) in the first subparagraph, for the words from “Commission” to “33” substitute “ Secretary of State may make regulations ”;
- (ii) in the second subparagraph, for “Commission” substitute “ Secretary of State ”;

(b) in paragraph 3—

(i) in the first subparagraph—

- (aa) for the words from “Commission” to “acts,” substitute “ Secretary of State may, by regulations, specify the ”;
- (bb) omit the third sentence;

(ii) omit the second subparagraph.

(5) In Article 5(1), for “the Union” substitute “ Great Britain ”.

(6) In Article 7 omit “Member State or third”.

(7) Omit Article 9.

(8) In Chapter 3 insert, as the first Article in that Chapter, the new Article 9a in Part 2 of Schedule 4.

(9) In Article 10—

(a) in paragraph 2(f)—

- (i) omit the words from “laid down” to “indication”;

- (ii) for “Union”, in the second place it occurs, substitute “retained EU”;
- (b) after paragraph 2 insert—

“3. In this Article:

- (a) ‘the applicable requirements’ means:
 - (i) where the geographical area concerned is located in, or partly in, Great Britain, provisions in any enactment regulating the use of the geographical indication in Great Britain;
 - (ii) where the geographical area concerned is located in, or partly in, Northern Ireland, requirements laid down in law regulating the use of the geographical indication in Northern Ireland, including, so far as it applies to Northern Ireland, any legislation that forms part of domestic law of Northern Ireland by virtue of section 7A of the EUWA and the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement;
 - (iii) where the geographical area concerned is located in, or partly in, a third country:
 - (aa) requirements laid down in law regulating the use of the geographical indication in the third country in which the relevant geographical area is located or partly located, and
 - (bb) where they must be complied with in the third country in which the relevant geographical area is located, or partly located, provisions laid down by an organisation that manages the geographical indication regulating the use of the geographical indication in that country;
- (b) ‘enactment’ means the following legislation whenever passed or made:
 - (i) an Act, and an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act, except to the extent that they extend to Northern Ireland;
 - (ii) retained direct EU legislation, except to the extent that it extends to Northern Ireland;
 - (iii) an Act of the Scottish Parliament, and an enactment contained in an instrument made under an Act of the Scottish Parliament;
 - (iv) a Measure or Act of Senedd Cymru and an enactment contained in an instrument made under a Measure or Act of Senedd Cymru.”.

(10) In Article 11(2), for “Commission” substitute “Secretary of State”.

(11) Omit Article 13.

(12) Before Article 14 insert—

“Article 13a

Application for protection relating to a geographical area in the United Kingdom

An application for the protection of a geographical indication for an aromatised wine product originating in the United Kingdom must be submitted to the Secretary of State.”.

(13) In Article 14—

- (a) in the heading, for “Commission” substitute “Secretary of State”;

- (b) in paragraph 1, for “Commission” substitute “ Secretary of State ”;
- (c) in paragraph 2—
 - (i) for “Commission” substitute “ Secretary of State ”;
 - (ii) for “referred to in Article 13(5)” substitute “ submitted to the Secretary of State ”;
- (d) in paragraph 3—
 - (i) for “Commission” substitute “ Secretary of State ”;
 - (ii) for the words from “it” to the end substitute “ the Secretary of State must publish the product specification referred to in Article 10(1)(c), and the single document referred to in Article 10(1)(d), in such manner as appears appropriate to the Secretary of State from time to time ”;
- (e) in paragraph 4—
 - (i) for “Commission” substitute “ Secretary of State ”;
 - (ii) for the words from “it” to “decide to” substitute “ the Secretary of State must ”;
 - (iii) for the second sentence substitute—

“After making a decision to reject the application, the Secretary of State must publish a notice in such manner as appears appropriate to the Secretary of State from time to time:

 - (a) informing the applicant and the public of the decision made in relation to the application and the reasons for that decision, and
 - (b) providing information about the right to appeal under Article 25a against that decision and the period within which an appeal may be made.”.
- (14) In Article 15, in the first paragraph—
 - (a) for the words from “Member State or” to “or in” substitute “ natural or legal person with a legitimate interest, or the authorities of ”;
 - (b) for “Commission” substitute “ Secretary of State ”.
- (15) In Article 16—
 - (a) for “Commission”, in both places it occurs, substitute “ Secretary of State ”;
 - (b) omit “, by means of implementing acts,”;
 - (c) for “Union law” substitute “ retained EU law by approving the application ”;
 - (d) omit the second sentence;
 - (e) after the existing paragraph insert—

“After making a decision under the first paragraph, the Secretary of State must publish in such manner as appears appropriate to the Secretary of State from time to time:

 - (a) a notice:
 - (i) informing the applicant and the public of the decision made in relation to the application and the reasons for that decision, and
 - (ii) providing information about the right to appeal under Article 25a against that decision and the period within which an appeal may be made, and
 - (b) where the application is approved, a copy of the approved product specification.”.
- (16) In Article 18—
 - (a) in paragraph 1—

- (i) in the second subparagraph, for “Union” substitute “ United Kingdom ”;
- (ii) in the third subparagraph—
 - (aa) in point (a), for “Union” substitute “ United Kingdom ”;
 - (bb) in point (b) omit “Union or national”;
- (b) after paragraph 2 insert—

“3. In this Article, ‘the relevant law’ means the following legislation whenever passed or made:

- (a) an Act and an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act;
- (b) retained direct EU legislation;
- (c) Northern Ireland legislation, an enactment contained in an instrument made under Northern Ireland legislation, and, so far as it applies to Northern Ireland, anything that forms part of domestic law by virtue of section 7A of the EUWA and the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement;
- (d) an Act of the Scottish Parliament and an enactment contained in an instrument made under an Act of the Scottish Parliament;
- (e) a Measure or Act of Senedd Cymru and an enactment contained in an instrument made under a Measure or Act of Senedd Cymru.”.

(17) In Article 19—

- (a) in paragraph 1, in the first subparagraph, for “Commission” substitute “ Secretary of State ”;
- (b) in paragraph 2, in the first subparagraph—
 - (i) for the words from “if” to “Union” substitute “ in the United Kingdom ”;
 - (ii) for “Commission” substitute “ Secretary of State ”;
 - (iii) for the words from “by the Directive” to the end substitute “ in, or under, the TMA ”.

(18) After Article 19 insert the new Articles 19a and 19b in Part 3 of Schedule 4.

(19) In Article 20—

- (a) in paragraph 3, for “the Union” substitute “ Great Britain ”;
- (b) omit paragraph 4.

(20) In Article 21—

- (a) number the first paragraph as paragraph 1;
- (b) number the second paragraph as paragraph 11;
- (c) in paragraph 1 (as numbered by sub-paragraph (a)), for the words from “Commission” to “34(2),” substitute “ Secretary of State must ”;
- (d) after paragraph 1 (as numbered by sub-paragraph (a)) insert the new paragraphs numbered 2 to 10 in Part 4 of Schedule 4;
- (e) in paragraph 11 (as numbered by sub-paragraph (b))—
 - (i) for “the Union”, in the first place it occurs, substitute “ Great Britain ”;
 - (ii) for “Union”, in the second place it occurs, substitute “ United Kingdom ”;
 - (iii) for “the first paragraph” substitute “ paragraph 1 ”;
- (f) after paragraph 11 (as numbered by sub-paragraph (b)) insert—

“12. An entry recorded on the register pursuant to paragraph 11 comes into force (and confers the protection provided by Article 20):

- (a) in a case where the register is established by the Secretary of State after IP completion day but before the end of the day following the day on which IP completion day falls and the entry is recorded on the register as established during that period, on IP completion day;
- (b) in any other case, immediately the entry is recorded on the register.

13. In this Article:

- (a) ‘decision notice’:
 - (i) in paragraph 2 means a notice published under the second paragraph of Article 16;
 - (ii) in paragraphs 4 and 6 means a notice published under the second paragraph of Article 16 as it applies to an application for an amendment to a product specification that is not minor by virtue of Article 24(2);
 - (iii) in paragraph 8 means a notice published under Article 24(3);
 - (iv) in paragraph 10 means a notice published under the second paragraph of Article 16 as it applies to cancellations by virtue of the second paragraph of Article 25;
- (b) in relation to a notice referred to in this Article, ‘notice period’ means the period of 20 days from the day on which the relevant notice is published by the Secretary of State, beginning with the day on which the notice is published.

14. In this Article a reference to ‘the information recorded in the register pursuant to paragraph 2’ means the information recorded in the register pursuant to paragraph 2 or, where that information has been amended, that information as amended from time to time.”

(21) Omit Article 22.

(22) In Article 23(1)—

- (a) in paragraph 1, in the first subparagraph—
 - (i) in the words before point (a), for “the Union” substitute “ Great Britain ”;
 - (ii) in point (a), for “or authorities referred to in Article 22” substitute “ designated by regulation 4 of the Wine Regulations 2011 as it extends to Great Britain ”;
 - (iii) in point (b)—
 - (aa) for “control” substitute “ delegated ”;
 - (bb) for the words from “the second” to “882/2004” substitute “ Article 2 of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products ”;
- (b) after paragraph 1 insert—

“1a. In respect of geographical indications protected under this Regulation relating to a geographical area in Northern Ireland, annual verification of compliance with the product specification, during the production and during or after conditioning of the aromatised wine product, must be ensured by:

- (a) the Secretary of State, or
- (b) one or more certification bodies.”;

- (c) in paragraph 3, after “paragraph 1” insert “, point (b) of paragraph 1a ”;
- (d) in paragraph 4, after “paragraph 1” insert “, point (b) of paragraph 1a ”.

(23) In Article 24—

- (a) in paragraph 1, after “may apply” insert “ to the Secretary of State ”;
- (b) in paragraph 2—
 - (i) for “13” substitute “ 14 ”;
 - (ii) for “Commission shall, by means of implementing acts,” substitute “ Secretary of State must ”;
 - (iii) omit the words from “and in” to the end;
- (c) after paragraph 2 insert—

“3. The Secretary of State, after making a decision in relation to an application for a proposed amendment that is minor, must publish in such manner as appears appropriate to the Secretary of State from time to time:

- (a) a notice:
 - (i) informing the applicant and the public of the decision made in relation to the application and the reasons for that decision, and
 - (ii) providing information about the right to appeal under Article 25a against that decision and the period within which an appeal may be made, and
- (b) where the application is approved, a copy of the approved amended product specification for the geographical indication.”.

(24) In Article 25—

- (a) in the first paragraph—
 - (i) for “Commission may, on its” substitute “Secretary of State may, on the Secretary of State's”;
 - (ii) omit “a Member State, of”;
 - (iii) omit “, by means of implementing acts,”;
 - (iv) omit the second sentence;
- (b) in the second paragraph, for “13” substitute “ 14 ”.

(25) After Article 25 insert the new Articles 25a and 25b in Part 5 of Schedule 4.

(26) In Article 26—

- (a) in the heading, for “**Existing**” substitute “ **Established** ”;
- (b) in paragraph 1—
 - (i) at the beginning insert “ Established protected ”;
 - (ii) omit the words from “listed” to “2014,”;

- (iii) for the words from “Commission” to “34(2) of this Regulation” substitute “ Secretary of State must ”;
 - (iv) at the end insert as the last sentence—
 - “The entries made to the register are to be treated as taking effect on IP completion day.”;
 - (c) omit paragraphs 2 to 4.
- (27) Omit Article 27.
- (28) In Article 28—
- (a) for the heading substitute— “ Article 28 Power to make regulations ”;
 - (b) in paragraph 1, in the words before point (a), for the words from “Commission” to “33” substitute “ Secretary of State may make regulations ”;
 - (c) in paragraph 2, for the words from “Commission” to “33” substitute “ Secretary of State may make regulations ”;
 - (d) in paragraph 3—
 - (i) in the words before point (a), for the words from “Commission” to “33” substitute “ Secretary of State may make regulations ”;
 - (ii) in point (c), for “Commission” substitute “ Secretary of State ”;
 - (iii) after point (f) insert—
 - “(fa) amend Article 21(3) as regards the date from which protection runs;”;
 - (iv) after point (h) insert—
 - “(ha) amend Article 21(5), (7) or (9) as regards the date on which an amendment enters into force;”;
 - (e) in paragraph 4, for the words from “Commission” to “33” substitute “ Secretary of State may make regulations ”.
- (29) In Article 29—
- (a) for the heading substitute— “ Article 29 Further power to make regulations ”;
 - (b) in paragraph 1—
 - (i) in the first subparagraph—
 - (aa) in the words before point (a), for the words from “Commission” to “measures” substitute “ Secretary of State may make regulations ”;
 - (bb) in point (d), for “Member States” substitute “ authorities specified in those regulations ”;
 - (ii) omit the second subparagraph;
 - (c) in paragraph 2—
 - (i) in the first subparagraph—
 - (aa) for the words from “Commission” to “adopt” substitute “ Secretary of State may, by regulations, make provision for ”;
 - (bb) for “ , cancellation, or conversion ” substitute “ or cancellation ”;
 - (cc) for “existing” substitute “ established ”;
 - (ii) omit the second subparagraph.
- (30) In Article 30, for the words from “Commission” to “decide to” substitute “ Secretary of State must ”.

- (31) In Article 31—
- (a) omit paragraph 1;
 - (b) in paragraph 2—
 - (i) in the first subparagraph—
 - (aa) for the words from “Commission” to “rules” substitute “ Secretary of State may make regulations ”;
 - (bb) omit “by the Member States”;
 - (cc) after “application of” insert “ Chapter 2 of ”;
 - (ii) omit the second subparagraph;
 - (iii) insert as the last subparagraph—

“The Secretary of State may make regulations concerning the administrative and physical checks to be conducted with regard to the respect of obligations resulting from the application of Chapter 3 of this Regulation.”.
- (32) In Article 32—
- (a) in paragraph 1—
 - (i) for “Member States and the Commission” substitute “ The specified authorities in Great Britain ”;
 - (ii) after “authorities of” insert “ Northern Ireland and ”;
 - (b) in paragraph 2, in the words before point (a), for the words from “Commission” to “lay” substitute “ Secretary of State may make regulations laying ”;
 - (c) in paragraph 3—
 - (i) in the first subparagraph—
 - (aa) for the words before point (a) substitute—

“The Secretary of State may, by regulations, make”;
 - (bb) in point (c), for “Member States, the competent authorities” substitute “ specified authorities in Great Britain, authorities in Northern Ireland and ”;
 - (ii) omit the second subparagraph;
 - (d) after paragraph 3 insert—

“4. The specified authorities in Great Britain for the purpose of this article are:

 - (a) in relation to England, the Secretary of State;
 - (b) in relation to Scotland, the Scottish Ministers;
 - (c) in relation to Wales, the Welsh Ministers.”.
- (33) For Article 33 substitute the new Article 33 in Part 6 of Schedule 4.
- (34) Omit Article 34.
- (35) In Article 36—
- (a) omit paragraph 1;
 - (b) in paragraph 2—
 - (i) for “have been” substitute “ were ”;
 - (ii) after “1601/91 ^{M31}” insert “ as it had effect in Great Britain immediately ”;
 - (c) in paragraph 3—

- (i) omit “and Article 9” in both places it occurs;
 - (ii) for “have been” substitute “ were ”;
 - (iii) after “1601/91” insert “ , as that Regulation had effect in Great Britain immediately before it was repealed, ”.
- (36) In Article 37 omit the second paragraph.
- (37) After Article 37 omit the words from “This Regulation” to “States.”.
- (38) In Annex 1, in point (5)—
- (a) in the second subparagraph, for the words from “Directive 2009/54/EC^{M32}” to “Directive 98/83/EC^{M33}” substitute “ any relevant water quality legislation ”;
 - (b) after the third subparagraph insert the new subparagraph in Part 7 of Schedule 4.
- (39) In Annex 2, in Part B—
- (a) in point (3), in the second paragraph—
 - (i) for “other Member States” substitute “ another country ”;
 - (ii) for “Member State” substitute “ country ”;
 - (b) in point (4), in the second paragraph—
 - (i) for “other Member States” substitute “ another country ”;
 - (ii) for “Member State” substitute “ country ”;
 - (c) in point (13), in the second paragraph—
 - (i) for “other Member States” substitute “ another country ”;
 - (ii) for “Member State” substitute “ country ”.
- (40) After Annex 2 insert the new Annexes 2A and 2B in Part 8 of Schedule 4.

Commencement Information

I6 Reg. 21 in force at 31.12.2020, see reg. 1(7)

Marginal Citations

M31 This is a reference to Council Regulation (EEC) No 1601/91 laying down general rules on the definition, description and presentation of aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails (OJ No. L 149, 14.6.1991, p. 1), as last amended (before its repeal) by Regulation (EC) No 1334/2008 of the European Parliament and of the Council (OJ No. L 354, 31.12.2008, p. 34). It was repealed by Regulation (EU) No 251/2014 of the European Parliament and of the Council (OJ No. L 84, 20.3.2014, p. 14).

M32 OJ No. L 164, 26.6.2009, p. 45.

M33 OJ No. L 330, 5.12.1998, p. 32, last amended by Commission Directive (EU) 2015/1787 (OJ No. L 260, 7.10.2015, p. 6).

Commission Delegated Regulation (EU) No 664/2014

22.—(1) Commission Delegated Regulation (EU) No 664/2014 supplementing Regulation (EU) No 1151/2012 of the European Parliament and of the Council with regard to the establishment of the Union symbols for protected designations of origin, protected geographical indications and traditional specialities guaranteed and with regard to certain rules on sourcing, certain procedural rules and certain additional transitional rules is amended as follows.

- (2) Before Article 1 insert—

“Article A1

Definition of ‘third country’

In this Regulation ‘third country’ means any country, other than the United Kingdom, and includes:

- (a) the Bailiwick of Guernsey;
- (b) the Bailiwick of Jersey;
- (c) the Isle of Man.”.

(3) In Article 2—

- (a) for the heading substitute— “ Article 2 Symbols ”;
- (b) omit “Union”;
- (c) after the existing paragraph insert—

“In Part A of the table in the Annex:

- (a) the symbol which is designed to publicise protected designations of origin for products marketed under that designation is established as it appears in the first column of that table;
- (b) the symbol which is designed to publicise protected geographical indications for products marketed under that designation is established as it appears in the second column of that table;
- (c) the symbol which is designed to publicise traditional specialities guaranteed for products marketed under that designation is established as it appears in the third column of that table.

In Part B of the table in the Annex, each of the symbols which appears in Part A of that table is set out in the corresponding form in which it may be reproduced in black and white.”.

(4) Omit Article 4.

(5) In Article 5—

- (a) at the beginning insert “ In the case of an application to which Article 49(5) of Regulation (EU) No 1151/2012 applies, ”;
- (b) omit “of the Member State or”;
- (c) for “Commission” substitute “ Secretary of State ”;
- (d) omit “of a Member State or”.

(6) Article 6 is amended in accordance with paragraphs (7) to (12).

(7) In paragraph 1, in the third and fourth subparagraphs, for “Commission” substitute “ Secretary of State ”.

(8) In paragraph 2—

(a) in the first subparagraph—

- (i) in the first sentence, for the words from “authorities” to “relates to” substitute “ Secretary of State ”;
- (ii) in the second sentence, for the words from “authorities” to “established” substitute “ Secretary of State ”;
- (iii) in the third sentence—
 - (aa) after “a product specification” insert “ concerning products originating in the United Kingdom ”;
 - (bb) for “Member State” substitute “ Secretary of State ”;

(iv) for the fourth sentence substitute—

“Applications for a minor amendment to a product specification concerning products originating in the United Kingdom must be submitted by a group having a legitimate interest.”;

(v) in the fifth sentence, for “Commission” substitute “ Secretary of State ”;

(b) in the third and fourth subparagraphs, for “Commission” substitute “ Secretary of State ”;

(c) for the fifth subparagraph substitute—

“After making a decision in relation to an application under this paragraph, the Secretary of State must publish in such manner as appears appropriate to the Secretary of State:

(a) a notice:

(i) informing the applicant and the public of the decision made under this paragraph in relation to the application and the reasons for that decision, and

(ii) providing information about the right to appeal under Article 54a of Regulation (EU) No 1151/2012 against the decision and the period within which an appeal may be made, and

(b) where the application is approved, a copy of the amended product specification.

The publication obligations imposed on the Secretary of State by the previous subparagraph also apply in the case of an application that is tacitly approved by virtue of the third subparagraph.”.

(9) In paragraph 3—

(a) in the first subparagraph—

(i) after “public authorities” insert “ of a third country ”;

(ii) after “competent authorities” insert “of a third country (‘third country temporary amendments’)”;

(b) number the second subparagraph as paragraph 3a.

(10) In paragraph 3a (as numbered by paragraph (9)(b))—

(a) omit the second and third sentences;

(b) for “Temporary amendments concerning products originating in third countries” substitute “ They ”;

(c) for the words from “Member States shall publish” to “third countries the” substitute “ The ”;

(d) omit “Member States and”;

(e) omit the last sentence;

(f) for “Commission”, in each place it occurs in the remaining text, substitute “ Secretary of State ”.

(11) After paragraph 3a (as numbered by paragraph (9)(b)) insert—

“**3b.** The Secretary of State must publish a notice, in such manner as appears appropriate to the Secretary of State from time to time, providing the public with details of a third country temporary amendment and the period during which that temporary amendment is to apply.”.

(12) After paragraph 3b (as numbered by paragraph (9)(b)) insert the new paragraphs 4 to 4o in Part 1 of Schedule 5.

- (13) Omit Article 7(2).
- (14) Omit Articles 8 and 9.
- (15) In Article 10 omit the second paragraph.
- (16) After Article 10 omit the words from “This Regulation” to “States.”.
- (17) For the Annex substitute the Annex in Part 2 of Schedule 5.

Commencement Information

I7 Reg. 22 in force at 31.12.2020, see reg. 1(7)

Commission Implementing Regulation (EU) No 668/2014

23.—(1) Commission Implementing Regulation (EU) No 668/2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs is amended as follows.

(2) Before Article 1 insert—

“Article 11

Definitions

In this Regulation:

- (a) ‘EU Regulation 1151/2012’ means Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs as it had effect immediately before IP completion day;
 - (b) ‘EU Regulation 668/2014’ means Commission Implementing Regulation (EU) No 668/2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs as it had effect immediately before IP completion day;
 - (c) ‘Great Britain's PDOs and PGIs Register’ has the meaning given in Article 3(23) of Regulation (EU) No 1151/2012;
 - (d) ‘third country’ means any country, other than the United Kingdom, and includes:
 - (i) the Bailiwick of Guernsey;
 - (ii) the Bailiwick of Jersey;
 - (iii) the Isle of Man.” .
- (3) Omit Article 1(2).
- (4) In Article 6—
- (a) in paragraph 1 omit the second subparagraph;
 - (b) in paragraph 3, for “Commission”, in both places it occurs, substitute “ Secretary of State ”.
- (5) In Article 8—
- (a) for the words from “as referred to” to “States concerned” substitute “ by more than one group referred to in the first subparagraph of Article 49(1) of Regulation (EU) No 1151/2012 relating to a trans-border geographical area, or the name of a traditional speciality guaranteed, must be submitted to the Secretary of State by one of the applicant groups or through the authorities of the relevant third country concerned or by the authorities of one of the third countries concerned (where there is more than one of them) ”;

- (b) for “Member States and third” substitute “ of the ”.
- (6) In Article 9(3), for “Commission” substitute “ Secretary of State ”.
- (7) In Article 10—
 - (a) in paragraph 1, in the first subparagraph, for the words from “The reference” to “lead to the” substitute “ The application must be accompanied by an ”;
 - (b) in paragraph 2—
 - (i) in the second subparagraph, for the words from “The reference” to “lead to the” substitute “ It must also be accompanied by an ”;
 - (ii) omit the third subparagraph;
 - (iii) in the fourth subparagraph omit the second sentence;
 - (c) in paragraph 3—
 - (i) for “Commission” substitute “ Secretary of State ”;
 - (ii) for “the second subparagraph of Article 6(3)”, in the first place it occurs, substitute “ Article 6(3a) ”;
 - (iii) for “the second subparagraph of Article 6(3)”, in the second place it occurs, substitute “ Article 6(3c) ”;
 - (d) in paragraph 4, for “Commission”, in both places it occurs, substitute “ Secretary of State ”.
- (8) In Article 11(1) omit the second subparagraph.
- (9) In Article 12—
 - (a) for “Commission” substitute “ Secretary of State ”;
 - (b) for “10, 11, and 15” substitute “ 10 and 11 ”.
- (10) In Article 13—
 - (a) in paragraph 1—
 - (i) omit “Union”;
 - (ii) for “Annex X to this Regulation” substitute “ the Annex to Delegated Regulation (EU) No 664/2014 and in accordance with paragraph 2. ”;
 - (b) for paragraph 2 substitute—

“2. Where a symbol appears on the labelling of a product, it must be reproduced as follows:

- (a) the whole of the symbol must be printed;
- (b) the symbol must be printed to a minimum size of 15mm x 15mm;
- (c) when printed in colour, the symbol must be printed using:
 - (i) in the Pantone colour matching system ^{M34}, Pantone gold solid PMS 467 C and PMS Black C, or
 - (ii) in the four-colour CMYK system ^{M35}, the combined coloured printing inks in the measures:
 - (aa) gold – C:0 M:15 Y:40 K:15, and
 - (bb) black – C:0 M:0 Y:0 K:100;
- (d) when printed in black and white, the symbol:
 - (i) must be displayed on a white background;

- (ii) may not be reversed as a negative image;
 - (iii) must be printed using:
 - (aa) in the Pantone colour matching system, Pantone PMS Black C, or
 - (bb) in the four-colour CMYK system, black - C:0 M:0 Y:0 K:100.”;
 - (c) in paragraph 3 omit “Union”;
 - (d) omit paragraph 5.
- (11) In Article 14—
 - (a) in paragraph 1—
 - (i) in the words before point (a)—
 - (aa) for the words from the beginning to “registering” substitute “ Where the Secretary of State publishes a notice under Article 52(4) of Regulation (EU) No 1151/2012 relating to a decision of the Secretary of State to approve the registration of ”;
 - (bb) for “Commission shall” substitute “ Secretary of State must, as soon as possible after the notice period relating to the notice has expired, ”;
 - (ii) for point (c) substitute—
 - “(c) the date of registration;”;
 - (b) after paragraph 1 insert—

“1a. The Secretary of State must attach a copy of the product specification for the designation or origin or geographical indication referred to in paragraph 1 to the register as soon as possible after the notice period relating to the notice has expired.

1b. An entry for a designation of origin or geographical indication recorded in the register pursuant to paragraph 1 grants the protection for the designation of origin or geographical indication provided for in Article 13 of Regulation (EU) No 1151/2012 and that protection takes effect immediately after:

 - (a) the entry is recorded in the register, and
 - (b) a copy of the product specification for the designation of origin or geographical indication is attached to the register.”;
 - (c) in paragraph 2—
 - (i) in the words before point (a), for the words from the beginning to “shall” substitute “ Where the Secretary of State publishes a notice under Article 52(4) of Regulation (EU) No 1151/2012 relating to the Secretary of State's decision to approve an application to register a traditional speciality guaranteed, the Secretary of State must, as soon as possible after the notice period relating to the notice has expired, ”;
 - (ii) for point (c) substitute—
 - “(c) the date of registration;”;
 - (iii) omit point (f);
 - (d) after paragraph 2 insert—

“2a. The Secretary of State must attach a copy of the product specification for the traditional speciality guaranteed referred to in paragraph 2 to the register as soon as possible after the notice period relating to the notice has expired.

2b. An entry for a traditional speciality guaranteed made in the register grants the protection for the traditional speciality guaranteed provided for in Article 24 of Regulation (EU) No 1151/2012 and that protection takes effect immediately after:

- (i) the entry is recorded in the register, and
 - (ii) a copy of the product specification for the traditional speciality guaranteed is attached to the register.”;
- (e) for paragraphs 3 and 4 substitute the new paragraphs 3 to 3n and 4 to 6 in Part 1 of Schedule 6.
- (12) After Article 14 insert the new Articles 14a and 14b in Part 2 of Schedule 6.
- (13) Omit Article 15.
- (14) In Article 16 omit the second, third and fourth paragraphs.
- (15) After Article 16 omit the words from “This Regulation” to “States.”.
- (16) In Annex 1—
- (a) for “EU No: [for EU use only]” substitute “ GB No: [for official use only] ”;
 - (b) in section 2, in the heading, for “**Member State**” substitute “ **Great Britain, Northern Ireland** ”;
 - (c) after the line below section 5, for the words from “**Reference**” to the end substitute— “ Product specification [attach copy] ”.
- (17) In Annex 2, in the words before section 1—
- (a) for “EU No: [for EU use only]” substitute “ GB No: [for official use only] ”;
 - (b) for “Member State” substitute “ Great Britain, Northern Ireland ”.
- (18) In Annex 3—
- (a) in section 1, for “*Official Journal (OJ)* publication” substitute “ the single document (where relevant) and product specification for the application published under Article 50(2) of Regulation (EU) No 1151/2012 ”;
 - (b) in section 2—
 - (i) for “*Official Journal (OJ)* publication” substitute “ connection with the publication of the single document (where relevant) and product specification for the application published under Article 50(2) of Regulation (EU) No 1151/2012 ”;
 - (ii) for “Date of *OJ* publication” substitute “ Date of publication ”;
 - (c) in section 3, for “*national*” substitute “ *third country* ”;
 - (d) in section 5, in the second subparagraph, after “authorities” insert “ of a third country ”.
- (19) In Annex 4—
- (a) in section 1, for “*Official Journal (OJ)* publication” substitute “ the notice relating to the application published under Article 50(2) of Regulation (EU) No 1151/2012 ”;
 - (b) in section 2—

- (i) in the heading, for “**Official Journal (OJ) publication**” substitute “ **the notice relating to the application published under Article 50(2) of Regulation (EU) No 1151/2012** ”;
 - (ii) for “Date of *OJ* publication” substitute “ Date of publication ”.
- (20) In Annex 5—
- (a) in the words before section 1, for “EU No: [for EU use only]” substitute “ GB No: [for official use only] ”;
 - (b) in section 2, in the heading, for “**Member State**” substitute “ **Great Britain, Northern Ireland** ”.
- (21) In Annex 6—
- (a) in the words before section 1, for “EU No: [for EU use only]” substitute “ GB No: [for official use only] ”;
 - (b) in section 2, in the heading, for “**Member State**” substitute “ **Great Britain, Northern Ireland** ”.
- (22) In Annex 7—
- (a) in the words before section 1, for “EU No: [for EU use only]” substitute “ GB No: [for official use only] ”;
 - (b) in section 2, in the heading, for “**Member State**” substitute “ **Great Britain, Northern Ireland** ”;
 - (c) in section 6, for the words in square brackets and points (a) and (b) substitute “ [Insert the proposed updated product specification] ”.
- (23) In Annex 8—
- (a) in the words before section 1—
 - (i) for “the second subparagraph of Article 6(3)” substitute “ Article 6(3a) ”;
 - (ii) for “EU No: [for EU use only]” substitute “ GB No: [for official use only] ”;
 - (b) in section 1, in the heading, omit “**Member State or**”.
- (24) In Annex 9—
- (a) in the words before section 1, for “EU No: [for EU use only]” substitute “ GB No: [for official use only] ”;
 - (b) in section 2, in the heading, for “**Member State**” substitute “ **Great Britain, Northern Ireland** ”.
- (25) Omit Annex 10.

Commencement Information

I8 Reg. 23 in force at 31.12.2020, see reg. 1(7)

Marginal Citations

M34 The Pantone colour matching system is an industry-standard colour specification system which allocates a number and a specific ink formulation to each colour.

M35 CMYK refers to a process of printing colour using four inks: Cyan (C), Magenta (M), Yellow (Y) and Key (K) where Key is black.

Commission Delegated Regulation (EU) 2018/273

24.—(1) Commission Delegated Regulation (EU) 2018/273 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information, and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks and penalties^{M36} is amended as follows.

(2) In Article 1—

- (a) omit points (a) and (e);
- (b) in point (f) omit “and the analytical databank of isotopic data”;
- (c) in point (g) omit “and mutual assistance between them”;
- (d) for point (i) substitute—
 - “(i) the publication of information.”.

(3) In Article 2—

- (a) in paragraph 1—
 - (i) in point (a)—
 - (aa) for the words from “the Union” to “the European Union,” substitute “ Great Britain ”;
 - (bb) omit the words from “or for” to the end;
 - (ii) omit points (c) and (d);
 - (iii) in point (g) omit “to be defined by each Member State,”;
 - (iv) after point (k) insert—
 - “(l) ‘the 2010 Regulations’ means the Excise Goods (Holding, Movement and Duty Point) Regulations 2010^{M37};
 - (m) ‘ARC’ means the unique administrative reference code;
 - (n) ‘the competent authority’, in relation to a function to be exercised in Great Britain, or any part of it, means the person designated to carry out that function by regulation 4 of the Wine Regulations 2011 as it extends to Great Britain;
 - (o) ‘computerised system’ has the meaning given by regulation 3(1) of the 2010 Regulations;
 - (p) ‘export’ means export from Great Britain to a third country;
 - (q) ‘HMRC Notice 197’ means the notice numbered 197^{M38} published by HMRC under regulation 56(2) of the 2010 Regulations as that notice stands on IP completion day;
 - (r) ‘import’ means import into Great Britain from a third country;
 - (s) ‘retained EU law’ has the meaning given in section 6(7) of the European Union (Withdrawal) Act 2018 but does not include any legislation so far as it extends to Northern Ireland;
 - (t) ‘third country’ means any country, other than the United Kingdom, and includes:
 - (i) the Bailiwick of Guernsey;
 - (ii) the Bailiwick of Jersey;

- (iii) the Isle of Man;
- (u) ‘unique administrative reference code’ has the meaning given in regulation 3(1) of the 2010 Regulations.’;
- (b) in paragraph 2, for “IV to VIII” substitute “ 4, 5, 7 and 8 ”;
- (c) omit paragraph 3.
- (4) Omit Chapters 2 and 3.
- (5) Omit Articles 8 to 10.
- (6) In Article 11—
 - (a) in paragraph 1—
 - (i) for the words from “point” to “10(1)” substitute “ paragraph 4 ”;
 - (ii) after “PGI” insert “ if they comply with the conditions laid down in paragraphs 5 and 6 and Annex 5 ”;
 - (b) omit paragraph 3;
 - (c) insert as paragraphs 4 to 8—

“4. The documents referred to in paragraph 1 are:

- (a) a printed copy of an electronic administrative document that complies with the requirements for that document specified in HMRC Notice 197 and on which the unique administrative reference code assigned to the document is given;
- (b) a paper document of the type specified in regulation 60(2)(b) of the 2010 Regulations that complies with the requirements set out in regulation 60(2A) of the 2010 Regulations;
- (c) any other commercial document on which the unique administrative reference code is clearly stated;
- (d) in the case of the movement within Great Britain under duty suspension arrangements of wine and made-wine to which regulation 62(2) of the 2010 Regulations applies, a paper document of the type specified in regulation 62(3) (a) or (b) of the 2010 Regulations.

5. Where used for the purpose specified in paragraph 1, a document referred to in paragraph 4 must include the information indicated in Section A of Annex 5 or allow the competent authorities to have access to that information.

6. Where that document bears a unique administrative reference code number assigned by the computerised system, the information referred to in Section A of Annex 5 to this Regulation must be held in the system used.

7. In the case of a wine product produced in Northern Ireland, a document recognised as an accompanying document for that type of product when transported in Northern Ireland or the European Union under Article 10 of EU Regulation 2018/273 ^{M39} certifies, as relevant, the following characteristics of the wine product to which it relates:

- (a) the origin or provenance;
- (b) the quality and characteristics of the wine product;

- (c) the vintage year;
- (d) the grape variety or varieties from which it is produced;
- (e) the PDO or PGI.

8. In this Article:

- (a) ‘EU Regulation 2018/273’ means Commission Delegated Regulation (EU) 2018/273 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information, and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks and penalties as it has effect in Northern Ireland by virtue of section 7A of the European Union (Withdrawal) Act 2018;
- (b) ‘the electronic administrative document’ has the meaning given in regulation 3(1) of the 2010 Regulations.’’.

(7) In Article 12—

- (a) in paragraph 1(a), for the words from “any” to “of this Regulation” substitute “ the document referred to in Article 11(4)(b) or (c) ”;
- (b) in paragraph 2 omit “or MVV code”;
- (c) in paragraph 3 omit “and (3)”.

(8) Omit Articles 13 to 19.

(9) In Article 20(2)—

- (a) in point (a)—
 - (i) for “Union law” substitute “ retained EU law ”;
 - (ii) for “Union” substitute “ United Kingdom ”;
- (b) in point (c)—
 - (i) for “Union legislation” substitute “ retained EU law ”;
 - (ii) for “Union” substitute “ United Kingdom ”.

(10) In Article 21—

- (a) in point (a)—
 - (i) in point (ii), for the words from “the Union” to the end substitute “ Great Britain ”;
 - (ii) in point (iv), for the words from “within” to “1186/2009” substitute “ entering Great Britain from a third country ”;
 - (iii) in point (ix)—
 - (aa) for “Union”, in the first place it occurs, substitute “ United Kingdom ”;
 - (bb) for “the customs territory of the Union” substitute “ Great Britain ”;
- (b) in point (b), in the words before point (i), for “by the Union” substitute “ in relation to Great Britain ”.

(11) In Article 22(1), in the fourth subparagraph, for “Union customs office” substitute “ customs office in Great Britain ”.

(12) In Article 23, in the first paragraph, in the words before point (a), for the words from “shall” to “those formalities” substitute “ relating to a consignment must be handed over to the competent

authority on the completion of the customs formalities required for putting the consignment into free circulation in Great Britain ”.

(13) In Article 24, in the first paragraph, in the words before point (a), for “the Union”, in both places it occurs, substitute “ Great Britain ”.

(14) In Article 25(2)—

- (a) for “Union legislation” substitute “ retained EU law ”;
- (b) for “Union” substitute “ United Kingdom ”.

(15) In Article 26(1), for “the Union” substitute “ Great Britain ”.

(16) In Article 27—

(a) in paragraph 1—

- (i) in the first subparagraph, for “the Union”, in the first place it occurs, substitute “ Great Britain ”;
- (ii) for the words from “have” in the first subparagraph to “be” in the third subparagraph substitute “ are ”;

(b) in paragraph 2, for “the customs territory of the Union” substitute “ Great Britain ”;

(c) in paragraph 3—

- (i) for “of the Member State” substitute “ in a case ”;
- (ii) after “free circulation” insert “ in Great Britain ”;

(d) omit paragraph 4.

(17) In Article 28—

(a) omit paragraph 2;

(b) in paragraph 3, in the first sentence—

- (i) for “Member States shall” substitute “ The Food Standards Agency must ”;
- (ii) at the end insert “ in England and Wales and Food Standards Scotland must draw up and keep up-to-date a list of operators obliged to keep the register in Scotland ”.

(18) Omit Article 30.

(19) Omit Chapter 6.

(20) In Article 36—

(a) omit paragraph 1;

(b) in paragraph 2 omit the second subparagraph;

(c) in paragraph 3, for “Paragraphs 1 and 2” substitute “ Paragraph 2 ”.

(21) In Article 37—

(a) omit paragraph 1;

(b) in paragraph 2—

- (i) omit the first and second subparagraphs;
- (ii) in the third subparagraph, at the beginning insert—

“Administrative and on-the-spot checks must be carried out.”;

(c) omit paragraph 3;

(d) in paragraph 4—

- (i) for the words from the beginning to “countries” substitute “ In the case of wines and other wine products from third countries that are imported into Great Britain on the basis of a VI-1 document, checks ”;
 - (ii) for the words from “the Member” to “Union” substitute “ Great Britain ”.
- (22) Omit Article 39.
- (23) For Article 40 substitute—

*“Article 40
Liaison body*

1. The Secretary of State is the liaison body responsible for official contact with:
 - (a) third countries relating to matters covered by this Regulation for wine and other wine products imported into Great Britain from a third country, or exported from Great Britain to a third country;
 - (b) Northern Ireland relating to matters covered by this Regulation for wine and other wine products moved into Great Britain from Northern Ireland, or moved from Great Britain to Northern Ireland.

 2. But the Secretary of State must not act as the liaison body responsible for official contact with third countries and Northern Ireland pursuant to paragraph 1, without the consent of:
 - (a) the Scottish Ministers, in relation to wine and other wine products:
 - (i) imported into Great Britain from a third countries during any period those products are in Scotland;
 - (ii) originating in Scotland and exported from Great Britain to third countries;
 - (iii) originating elsewhere than in Scotland and exported from Scotland to third countries;
 - (iv) moved into Great Britain from Northern Ireland during any period those products are in Scotland;
 - (v) originating in Scotland and moved from Great Britain to Northern Ireland;
 - (vi) originating elsewhere than in Scotland and moved from Scotland to Northern Ireland;
 - (b) the Welsh Ministers, in relation to wine and other wine products:
 - (i) imported into Great Britain from third countries during any period those products are in Wales;
 - (ii) originating in Wales and exported from Great Britain to third countries;
 - (iii) originating elsewhere than in Wales and exported from Wales to a third country;
 - (iv) moved into Great Britain from Northern Ireland during any period those products are in Wales;
 - (v) originating in Wales and moved from Great Britain to Northern Ireland;
 - (vi) originating elsewhere than in Wales and moved from Wales to Northern Ireland.”.
- (24) Omit Articles 41 to 44.

(25) In Article 45—

- (a) omit the first paragraph;
- (b) in the second paragraph—
 - (i) omit “of a Member State”;
 - (ii) for the words from “of that” to the end substitute “ designated by Article 40 must, without delay, inform, as relevant, the authorities of Northern Ireland and any third country concerned ”.

(26) Omit Article 46.

(27) In Article 47—

- (a) in the heading, for “**Union rules**” substitute “ **rules in retained EU law** ”;
- (b) in paragraph 1—
 - (i) omit “10,”;
 - (ii) omit “referred to in Article 8(1)”;
 - (iii) omit “of a Member State”;
- (c) after paragraph 2 insert—

“**3.** In this Article, ‘operators’ means winegrowers, harvesters, producers, processors, bottlers and merchants.”.

(28) Omit Articles 48 to 50.

(29) In Article 51—

- (a) in the heading, for “the information notified” substitute “ information ”;
- (b) in paragraph 1—
 - (i) in the words before point (a), for “the Commission” substitute “ and, in relation to point (d), the competent authority of Northern Ireland, the Secretary of State ”;
 - (ii) in each of points (a), (b) and (c), at the beginning insert “ in relation to each third country, the ”;
 - (iii) in point (d)—
 - (aa) after “in” insert “ Northern Ireland and ”;
 - (bb) for “the Commission and the Member States” substitute “ Great Britain ”;
- (c) for paragraph 2 substitute—

“**2.** The Secretary of State must publish, in such manner as appears appropriate to the Secretary of State from time to time:

- (a) the names and addresses of the competent authorities in Great Britain responsible for carrying out official analyses, the administrative certification procedure and checks relating to registers and accompanying documents, and
- (b) the lists referred to in paragraph 1.

3. But the Secretary of State must not publish the information and the lists specified in paragraph 2(a) without the consent of:

- (a) insofar as the information and lists will apply in relation to Scotland, the Scottish Ministers;

- (b) insofar as the information and lists will apply in relation to Wales, the Welsh Ministers.”.
- (30) In Chapter 9, in the heading omit “**AMENDMENTS, REPEALS, TRANSITIONAL AND**”;
- (31) Omit Articles 52 to 55.
- (32) After Article 56 omit the words from “This Regulation” to “States.”.
- (33) Omit Annexes 1 to 4.
- (34) Annex 5 is amended in accordance with paragraphs (35) to (37).
- (35) In Section A—
- (a) in the first paragraph, for “10(2)” substitute “ 11(5) ”;
- (b) in the second paragraph—
- (i) for the words from “points” to “10(1)” substitute “ Article 11(4) ”;
- (ii) for “Annex I to Regulation (EC) No 684/2009” substitute “ HMRC Notice 197 ”;
- (c) omit the third paragraph;
- (d) in the fourth paragraph—
- (i) for “the Member States” substitute “ the Secretary of State, by administrative decision, ”;
- (ii) at the end insert—
- “The Secretary of State must publish that information in such manner as appears appropriate to the Secretary of State from time to time.”;
- (e) after the fourth paragraph insert—
- “The Secretary of State may not make a decision concerning the order and specific details concerning the layout of the entries on the documents referred to in Article 11(4) in relation to the use of such documents in Scotland or Wales without the consent of:
- (a) in relation to Scotland, the Scottish Ministers;
- (b) in relation to Wales, the Welsh Ministers.”;
- (f) in the table—
- (i) omit column 3;
- (ii) in the first row (reference number), in column 1 omit “ , the MVV code”;
- (iii) in the sixth row (competent authorities at place of dispatch), in column 1—
- (aa) for “another Member State” substitute “ Northern Ireland ”;
- (bb) for “the Union” substitute “ Great Britain ”;
- (iv) in the eleventh row (description of packages of goods), in column 1 omit the second and third sentences;
- (v) omit the seventeenth row (wine-growing zone code);
- (vi) in the twentieth row (date of dispatch etc.), in column 1, omit the words from “and” to the end”;
- (vii) omit the last row (visa from the competent body of the place of dispatch).
- (36) In Section B—
- (a) in point 1.1—
- (i) for the words from “point (a)(i)” to “10(1)” substitute Article 11(4)”;

- (ii) omit the words from “referred to in Article” to “10(1)”;
 - (b) omit point 1.2;
 - (c) in point 1.3, for “10(1)” substitute “ 11(4) ”;
 - (d) in point 1.5 omit “referred to in Article 17(1) or”
 - (e) in point 1.6—
 - (i) in the first subparagraph omit the words from “, in” to “State,”;
 - (ii) omit the second subparagraph;
 - (f) in point 2.1—
 - (i) in point (a), for “Union rules” substitute “ rules in retained EU law ”;
 - (ii) in point (c)—
 - (aa) in the first subparagraph, in point (ii), for “recognised by the Union” substitute “set down in Section 2 of Annex A to Volume 1 of the 2019 Edition of the Compendium of International Methods of Wines and Musts Analysis published in Paris in January 2019 by the International Organisation of Vine and Wine ^{M40} (‘the OIV Compendium’) as that Compendium stands on IP completion day”;
 - (bb) for the second subparagraph substitute—

“The information required by points (ii), (iii) and (iv) of the first subparagraph must be expressed in a way that takes into account any relevant provisions in the tables that apply to the measuring method for the evaluation by refractometry of the sugar concentration in grape musts, concentrated grape musts and rectified concentrated grape musts in Section 2 of Annex A to the OIV Compendium ^{M41} as that Compendium stands on IP completion day.”;
 - (iii) in point (d), in the words before point (i), for “Union provisions” substitute “ provisions in retained EU law ”;
 - (iv) in point (e)—
 - (aa) omit point (i);
 - (bb) in point (ii), in the wording relating to the use of the figure “12” (other operations) omit the words from “Examples” to “C III(b)(2)”;
 - (cc) in the last sentence omit “the wine-growing area and”.
- (37) Omit Sections C and D.
- (38) Annex 6 is amended in accordance with paragraphs (39) to (41).
- (39) In the heading, for “**THEUNION**” substitute “ **GREAT BRITAIN** ”.
- (40) In Part 1—
- (a) in the heading, for “**Article 21(6) of Directive 2008/118/EC^{M42}**” substitute “ **regulation 57(7)(b) of the 2010 Regulations** ”;
 - (b) in the specimen wording relating to the information to be mentioned—
 - (i) in the words before point (1), for “[*Member State or European Union*]” substitute “ *Great Britain* ”;
 - (ii) in point (1)(a), for the words from “*the ‘E-Bacchus*” to the end substitute “ *Great Britain's PDOs and PGIs Register for wine established and maintained by the Secretary of State pursuant to Article 104 of Regulation (EU) No 1308/2013 of the*

European Parliament and of the Council (as incorporated into the law of Great Britain by the European Union (Withdrawal) Act 2018), as amended”;

- (iii) in point (2), for “*Union law*” substitute “ *the law in Great Britain* ”;
- (iv) in point (4), for “*the Union*” substitute “ *Great Britain* ”;
- (v) in the box relating to the administrative reference assigned by the competent authority omit “or ‘*MVV code*’”.

(41) In Part 2—

- (a) in Section A, for the template for the wine export certificate substitute the template for that certificate in Part 1 of Schedule 7;
- (b) in Section B, in the table—
 - (i) in the first row (consignor etc.) in column 1 omit the words from “or reference” to the end;
 - (ii) in the ninth row (logo of the Member State of dispatch etc.), in column 1 omit “Logo of the Member State of dispatch and”;
 - (iii) in the twelfth row (certification)—
 - (aa) in the first subparagraph, for “Union law” substitute “ the law in Great Britain ”;
 - (bb) in the third subparagraph, in the second indent, for “the EU according to EU and national legislation” substitute “ Great Britain in accordance with the law in Great Britain ”;
 - (iv) in the last row (reference number), in column 1 omit “or the MVV code”.

(42) In Annex 7—

- (a) for Parts 1 and 2 substitute the new Parts 1 and 2 in Part 2 of Schedule 7;
- (b) in Part 3—
 - (i) in Section A , in point 2, omit the second sentence;
 - (ii) in Section C—
 - (aa) in the instruction relating to Box 2, for “the EU” substitute “ Great Britain ”;
 - (bb) in the instruction relating to Box 4, in the first indent, for “the EU” substitute “ Great Britain ”;
- (c) in Part 4, in the list lettered B (list of third countries referred to in Article 26) omit “— Canada”.

Commencement Information

I9 Reg. 24 in force at 31.12.2020, see reg. 1(7)

Marginal Citations

M36 EUR 2018/273; prospective amendments were included in [S.I. 2019/865](#). They would have come into force on IP completion day. They are omitted by regulation 6 of this instrument and replaced, in relation to Great Britain, on IP completion day with the amendments in regulation 24 of, and Schedule 7 to, this instrument.

M37 [S.I. 2010/593](#); relevant amending instruments are [S.I. 2011/2225](#) and prospectively, from IP completion day, 2019/13.

M38 A copy of the notice is available electronically from <https://www.gov.uk/guidance/receive-goods-into-and-remove-goods-from-an-excise-warehouse-excise-notice-197-from-1-january-2021>. A hard copy can be obtained, on written request, from HMRC, 100 Parliament Street, London SW1A 2BQ.

- M39** OJ No, L 58, 28.2.2018, p. 1, amended by Commission Delegated Regulation (EU) 2019/840 (OJ No. L 138, 24.5.2019, p. 74).
- M40** Volume 1 of the 2019 Edition of the Compendium of International Methods of Wines and Musts Analysis is available electronically from <http://www.oiv.int/public/medias/6619/compendium-2019-en-vol1.pdf>. A hard copy is available for inspection free of charge at the offices of the Department for Environment, Food and Rural Affairs, Second Floor, Seacole Block, 2 Marsham Street, London SW1P 4DF. The measuring method for the refractive index of grape must is set out under reference OIV-MA-AS2-02 in Section 2 of Annex A.
- M41** The tables that apply to the measuring method for the evaluation by refractometry of the sugar concentration in grape musts, concentrated grape musts and rectified concentrated grape musts are set out under reference OIV-MA-AS2-02 in Section 2 of Annex A to the OIV Compendium.
- M42** OJ No. L 9, 14.1.2009, p. 12, to which there are amendments not relevant to these Regulations. Council Directive 2008/118/EC concerning the general arrangements for excise duty is prospectively repealed by Council Directive (EU) 2020/262 laying down the general arrangements for excise duty (recast) (OJ No. L 58, 27.2.2020, p. 4) after IP completion day.

Commission Implementing Regulation (EU) 2018/274

25.—(1) Commission Implementing Regulation (EU) 2018/274 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, certification, the inward and outward register, compulsory declarations and notifications, and of Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks ^{M43} is amended as follows.

- (2) In Article 1—
- (a) in the words before point (a), for the words from “Regulations” to “respectively,” substitute “Regulation (EU) No 1308/2013 ”;
- (b) omit points (a), (d), (e) and (f).
- (3) After Article 1 insert—

“Article 1a

The competent authorities

The competent authorities, in relation to the issue of permits under Article 12(3) and the exercise of the functions in Article 13(2)(c) and 20(4), means the persons designated in relation to each of those functions by regulation 4 of the Wine Regulations 2011 as it extends to Great Britain.”.

- (4) Omit Chapter 2.
- (5) In Article 12—
- (a) in paragraph 1—
- (i) omit the second subparagraph;
- (ii) in the last subparagraph—
- (aa) at the beginning insert “ In relation to wine produced in Great Britain, ”;
- (bb) for “the Member State in which the wine is produced” substitute “ Great Britain ”;
- (cc) for the words from “different” to “1308/2013” substitute “ Great Britain and Northern Ireland ”;
- (dd) for “by any of the Member States concerned” substitute “ in either Great Britain or Northern Ireland ”;

- (b) in paragraph 2—
 - (i) in the first subparagraph omit “and Chapter VI of this Regulation”;
 - (ii) in the second subparagraph, omit “, save where Member States decide otherwise”;
 - (c) in paragraph 3 omit “of the Member States”.
- (6) In Article 13—
- (a) in paragraph 1, in the second subparagraph, for the words from “one” to “other” substitute “a copy of the”;
 - (b) in paragraph 2—
 - (i) in the first subparagraph—
 - (aa) in point (b) omit the words from “presented” to the end;
 - (bb) in point (c), after “competent authorities” insert “, by administrative decision, following an application made by an operator”;
 - (c) omit the second subparagraph.
- (7) In Article 14—
- (a) in paragraph 1(a)(iii), for the words from “of the classification” to “1308/2013” substitute “to the wine grape variety (which must be a wine grape variety that complies with point (a) or (b) of Article 81(2) of Regulation (EU) No 1308/2013)”;
 - (b) in paragraph 2, for “Union legislation” substitute “retained EU law”;
 - (c) after paragraph 3 insert—

“4. In this Article, ‘retained EU law’ has the same meaning as in section 6(7) of the European Union (Withdrawal) Act 2018 but does not include any legislation so far as it extends to Northern Ireland.”.
- (8) In Article 15—
- (a) in paragraph 1—
 - (i) in point (a), for “under Union or national” substitute “by”;
 - (ii) in point (d) omit “Union or national”;
 - (iii) in point (e)—
 - (aa) omit “10.”;
 - (bb) omit the words from “, except” to the end;
 - (b) in paragraph 3, in the first subparagraph omit the second sentence.
- (9) In Article 16(1)(b)(v) omit “Union or national”.
- (10) Omit Article 19.
- (11) In Article 20—
- (a) in paragraph 1—
 - (i) in the words before point (a) for “Articles 15 and 19” substitute “Article 15”;
 - (ii) omit point (b) and the “and” immediately before it;
 - (b) in paragraph 4—
 - (i) in the first subparagraph, for the words from “Member” to “days” substitute “on a case by case basis, the Food Standards Agency, in relation to England and Wales, and Food Standards Scotland, in relation to Scotland, may, on the application of an operator, authorise longer deadlines not exceeding 30 days where the Food Standards

Agency or Food Standards Scotland (as the case may be) considers it appropriate to do so”;

- (ii) omit the second subparagraph;
- (c) in paragraph 5 omit the words from “as” to the end.
- (12) Omit Chapters 5 and 6.
- (13) Omit Articles 33 and 34.
- (14) In Article 35 omit paragraphs 2 and 4.
- (15) After Article 37 omit the words from “This Regulation” to “States.”.
- (16) Omit Annexes 1 to 4.

Commencement Information

I10 Reg. 25 in force at 31.12.2020, see reg. 1(7)

Marginal Citations

M43 EUR 2018/274. Prospective amendments were included in [S.I. 2019/865](#). They would have come into force on IP completion day. They are omitted by regulation 6 of this instrument and replaced, in relation to Great Britain, on IP completion day with the amendments in regulation 25 of this instrument.

Commission Delegated Regulation (EU) 2019/33

26.—(1) Commission Delegated Regulation (EU) 2019/33 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation is amended as follows.

- (2) After Article 1 insert the new Articles 1a and 1b in Part 1 of Schedule 8.
- (3) In Article 4(2) omit the words from “, taking” to the end.
- (4) In Article 5(1)(c) omit the words from “Member”, in the first place it occurs, to “third”.
- (5) Omit Articles 6 to 8.
- (6) In Article 9—
 - (a) in paragraph 1, in the first subparagraph, for “, 95 and 96” substitute “ and 95 ”;
 - (b) in paragraph 2—
 - (i) for “Commission” substitute “ Secretary of State ”;
 - (ii) for the words from “it” to “a third country” substitute “ the Secretary of State must inform the applicant, or, in the case of a third country application, the applicant established in, or the authorities of, that country, ”;
 - (c) in paragraph 3—
 - (i) for “Commission shall make public” substitute “ Secretary of State must publish ”;
 - (ii) for “it” substitute “ the Secretary of State ”;
 - (iii) for “Member State or third” substitute “ relevant ”;
 - (iv) at the end insert (as the second sentence)—

“The list may be published in such manner as appears appropriate to the Secretary of State from time to time.”.

- (7) In Article 10, for “Commission”, in each place it occurs, substitute “ Secretary of State ”.
- (8) In Article 11—
- (a) in paragraph 1—
 - (i) in the first subparagraph—
 - (aa) in point (a), for “Commission” substitute “ Secretary of State ”;
 - (bb) in point (c)(i), for “the provisions adopted pursuant thereto” substitute “ any provision in force, adopted or made pursuant to them (whether adopted before IP completion day, or made on or after IP completion day) ”;
 - (ii) in the second subparagraph, for “the Union” substitute “ Great Britain, except that, in relation to paragraph 1(c)(ii) so far as it relates to Article 101(1) of Regulation (EU) No 1308/2013, the objection must be assessed in relation to the territory of the United Kingdom ”;
 - (b) in paragraph 2—
 - (i) for “Commission” substitute “ Secretary of State ”;
 - (ii) for “it” substitute “ the Secretary of State ”.
- (9) In Article 12—
- (a) in paragraph 1—
 - (i) in the first sentence—
 - (aa) for “Commission” substitute “ Secretary of State ”;
 - (bb) for “it” substitute “ the Secretary of State ”;
 - (ii) in the second sentence—
 - (aa) after “on which” insert “ the single document and the product specification submitted in connection with ”;
 - (bb) for the words from “is published” to “*Union*” substitute “ are published under Article 97(3) of Regulation (EU) No 1308/2013 ”;
 - (iii) in the last sentence, for “Commission” substitute “ Secretary of State ”;
 - (b) in paragraph 3—
 - (i) in the first sentence—
 - (aa) for “established in the third country or” substitute “ or, where relevant, ”;
 - (bb) omit “of the Member State or”;
 - (cc) for “Commission” substitute “ Secretary of State ”;
 - (ii) in the second sentence—
 - (aa) for “Commission” substitute “ Secretary of State ”;
 - (bb) omit “national”;
 - (iii) in the last sentence, for “Commission shall adopt” substitute “ Secretary of State must make ”;
 - (c) in paragraph 4—
 - (i) in the first sentence—
 - (aa) for the words from “established” to “country,” substitute “ or, where relevant, the authorities of the third country ”;
 - (bb) for “Commission” substitute “ Secretary of State ”;

- (ii) in the second sentence, for “Commission shall adopt” substitute “ Secretary of State must make ”.
- (10) In Article 13—
- (a) in paragraph 1—
 - (i) in the first subparagraph—
 - (aa) for “Commission may adopt implementing acts granting” substitute “ Secretary of State may, by regulations, grant ”;
 - (bb) for “a Member State” substitute “ the United Kingdom ”;
 - (ii) in the second subparagraph—
 - (aa) in the words before point (a) omit “Article 96(3) or”;
 - (bb) in point (b), after “market” insert “ in Great Britain ”;
 - (b) in paragraph 2—
 - (i) in the words before point (a), for “Commission may adopt implementing acts extending” substitute “ Secretary of State may, by regulations, extend ”;
 - (ii) in point (a), for “Commission” substitute “ Secretary of State ”;
 - (c) in paragraph 4, in the first subparagraph—
 - (i) for “a Member State may” substitute “ the Secretary of State may use any power the Secretary of State has to make regulations to ”;
 - (ii) for “Commission” substitute “ Secretary of State ”;
 - (iii) for “to the authorities of the Member State” substitute “ with the Secretary of State ”;
 - (iv) omit “national”;
 - (v) for “96(3)” substitute “ 98 ”;
 - (d) after paragraph 4 insert—

“5. The powers to make regulations conferred on the Secretary of State by paragraphs 1 and 2 are exercisable by statutory instrument.

6. A statutory instrument containing regulations made under paragraph 1 or 2 is subject to annulment in pursuance of a resolution of either House of Parliament.

7. Such regulations may contain supplementary, incidental or consequential provision.”.

- (11) In Article 14—
- (a) number the second subparagraph of paragraph 1 as paragraph 1a;
 - (b) number the third subparagraph of paragraph 1 as paragraph 1b;
 - (c) number the final subparagraph of paragraph 1 as paragraph 1c;
 - (d) renumber paragraph 2 as paragraph 2d;
 - (e) in paragraph 1, in the first subparagraph—
 - (i) for the words from “at Union” to “and amendments” substitute “under Article 98 of Regulation (EU) No 1308/2013, as applied to applications for amendments by Article 15 (‘non-standard amendments’), and amendments that do not (‘standard amendments’). Standard amendments for a product specification for a protected

- designation of origin or protected geographical indications relating to an area in a third country are”;
- (ii) omit “Member State or”;
 - (iii) after “level (“” insert “ third country ”;
 - (f) in paragraph 1a (as numbered by sub-paragraph (a)), in the words before point (a), for “Union” substitute “ non-standard ”;
 - (g) in paragraph 1b (as numbered by sub-paragraph (b)), for “Union” substitute “ non-standard ”;
 - (h) after paragraph 1c (as numbered by sub-paragraph (c)) insert—

“2. Standard amendments are classified into four sub-categories taking into account the geographical area of the designation of origin or geographical indication affected by the amendment and whether the amendments are temporary as follows:

- (a) UK standard amendments;
- (b) UK temporary amendments;
- (c) third country standard amendments;
- (d) third country temporary amendments.

2a. A UK standard amendment is a standard amendment of a product specification for a designation of origin or geographical indication relating to a geographical area in the United Kingdom.

2b. A UK temporary amendment is a standard amendment concerning a temporary change in a product specification for a designation of origin or geographical indication for a geographical area in the United Kingdom:

- (a) resulting from the imposition of obligatory sanitary or phytosanitary measures, or linked to natural disasters formally recognised, by the Secretary of State, or imposed or formally recognised by:
 - (i) the Environment Agency in a case where, and to the extent that, a relevant geographical area in England is affected;
 - (ii) the Department of Agriculture, Environment and Rural Affairs, or the Department of Health, in a case where, and to the extent that, a relevant geographical area in Northern Ireland is affected;
 - (iii) the Scottish Ministers, Food Standards Scotland or the Scottish Environment Protection Agency, in a case where, and to the extent that, a relevant geographical area in Scotland is affected;
 - (iv) the Welsh Ministers, or the Natural Resources Body for Wales, in a case where, and to the extent that, a relevant geographical area in Wales is affected;
 - (v) the Food Standards Agency in a case where, and to the extent that, a relevant geographical area in England, Northern Ireland or Wales is affected, or
- (b) linked to adverse weather conditions formally recognised by the Met Office of the Department for Business, Energy and Industrial Strategy.

2c. A third country standard amendment is a standard amendment of a product specification for a designation of origin or geographical indication relating to a geographical area in a third country.”;

- (i) in paragraph 2d (as renumbered by sub-paragraph (d))—
 - (i) for the words from the beginning to “1308/2013, a” substitute “ A third country ”;
 - (ii) after “specification” insert “ for a designation of origin or geographical indication relating to a geographical area in a third country ”;
 - (iii) after “authorities”, in both places it occurs, substitute “ of the third country ”.
- (12) In Article 15—
 - (a) in the heading, for “**Union**” substitute “ **non-standard** ”;
 - (b) in paragraph 1—
 - (i) for “Union” substitute “ non-standard ”;
 - (ii) for “96” substitute “ 97 ”;
 - (c) in paragraph 2—
 - (i) for “Commission” substitute “ Secretary of State ”;
 - (ii) for “it shall publish the application for a Union” substitute “ the Secretary of State must publish, in such manner as appears appropriate to the Secretary of State from time to time, the application for a non-standard ”;
 - (iii) omit the words from “in the *Official*” to “series”;
 - (iv) for the second sentence substitute—

“The Secretary of State, taking into account any admissible objection that has been lodged, must decide whether to approve or reject the application.”;
 - (d) in paragraph 3, for “Union”, in each place it occurs, substitute “ non-standard ”;
 - (e) in paragraph 4, for “Commission” substitute “ Secretary of State ”.
- (13) In Article 16—
 - (a) in the heading, for “**Union**” substitute “ **non-standard** ”;
 - (b) in paragraph 1—
 - (i) in the first and second subparagraphs, for “Union” substitute “ non-standard ”;
 - (ii) in the third subparagraph—
 - (aa) for “Commission” substitute “ Secretary of State ”;
 - (bb) for “Union” substitute “ non-standard ”;
 - (c) in paragraph 2, for the words from “competent” to “a third country” substitute “ applicant or, in the case of a third country application, the applicant established in, or the competent authorities of, the third country, ”.
- (14) In Article 17—
 - (a) in paragraph 1—
 - (i) for the first subparagraph substitute—

“**1.** UK standard amendments must be approved by the Secretary of State and made public in such manner as appears appropriate to the Secretary of State from time to time.”;

- (ii) in the second subparagraph—
 - (aa) after “of a”, in both places it occurs, insert “ UK ”;
 - (bb) for the words from “authorities” to “relates” substitute “ Secretary of State ”;
 - (cc) for “Member State”, in the second place it occurs, substitute “ Secretary of State ”;
- (iii) in the third subparagraph after “for a” insert “ UK ”;
- (b) in paragraph 2—
 - (i) in the first subparagraph—
 - (aa) for “Member State” substitute “ Secretary of State ”;
 - (bb) for “it” substitute “ the Secretary of State ”;
 - (cc) for “and make public the” substitute “ the UK ”;
 - (ii) omit the second subparagraph;
- (c) after paragraph 2 insert—

“**2a.** After making a decision in relation to an application for a UK standard amendment, the Secretary of State must publish in such manner as appears appropriate to the Secretary of State from time to time:

 - (a) a notice:
 - (i) informing the applicant, the original (protection) applicant (if different) and the public of the decision made in relation to the application and the reasons for that decision, and
 - (ii) providing information about the right to appeal under Article 99a of Regulation (EU) No 1308/2013 against the decision and the period within which an appeal may be made, and
 - (b) where the application is approved, a copy of the modified consolidated product specification and, where relevant, a copy of the modified consolidated single document.”;
- (d) in paragraph 3—
 - (i) after “approving” insert “ third country ”;
 - (ii) omit “concerning grapevine products originating in third countries”;
 - (iii) for “Commission”, in both places it occurs, substitute “ Secretary of State ”;
- (e) in paragraph 4, after “communication of” insert “ third country ”;
- (f) in paragraph 5—
 - (i) after “that the” insert “ third country ”;
 - (ii) for “Commission” substitute “ Secretary of State ”;
 - (iii) for the words from “the *Official*” to “series,” substitute “ such manner as appears appropriate to the Secretary of State from time to time ”;
 - (iv) omit “Member State,”;
- (g) in paragraph 6—
 - (i) after “that the” insert “ third country ”;

- (ii) for the words from “Commission” to “2019/34” substitute “ Secretary of State must make public, in such manner as appears appropriate to the Secretary of State from time to time ”;
- (iii) omit “Member State.”;
- (h) omit paragraph 7;
- (i) in paragraph 8—
 - (i) in the first subparagraph—
 - (aa) for “one Member State, the Member States concerned” substitute “ the United Kingdom, the Secretary of State ”;
 - (bb) for “their territory” substitute “ the United Kingdom and, in relation to the part of the area that does not fall within the United Kingdom, the procedure in paragraph 3 applies ”;
 - (cc) omit the second sentence;
 - (dd) for “Member State last” substitute “ authority of the third country ”;
 - (ee) for “Commission” substitute “ Secretary of State ”;
 - (ii) omit the second subparagraph;
- (j) after paragraph 8 insert—

“9. If a geographical area covers more than the United Kingdom and the national decision necessary in relation to the part of the area in a third country is not taken or adopted by the authority of the third country, an application in relation to that part of the area may be submitted under the non-standard amendment procedure.

10. If a geographical area covers areas in two or more third countries and a national decision in relation to part of an area in a third country is not taken or adopted by the authority of the third country, an application in respect of the amendment in relation to the geographical area as a whole may be submitted under the non-standard amendment procedure.”.

- (15) In Article 18—
 - (a) for paragraph 1 substitute the new paragraphs 1 to 1n in Part 2 of Schedule 8;
 - (b) in paragraph 2—
 - (i) for “more than one Member State” substitute “ areas in the United Kingdom and a third country, or areas in more than one third country ”;
 - (ii) for “the Member States concerned” substitute “ relation to the United Kingdom and the third country concerned, or in the respective third countries concerned, ”;
 - (iii) omit the second sentence;
 - (iv) in the third sentence—
 - (aa) for “The Member State last” substitute “ Paragraph 3 applies in relation to the communication of the decision of the authorities of the third country, or each third country, ”;
 - (bb) omit the words from “shall communicate” to the end;
 - (v) omit the fourth sentence;
 - (c) in paragraph 3—

- (i) at the beginning insert “ Third country ”;
 - (ii) omit “concerning grapevine products originating in third countries”;
 - (iii) for “Commission” substitute “ Secretary of State ”;
 - (d) in paragraph 4, after “communication of” insert “ third country ”;
 - (e) in paragraph 5—
 - (i) in the first sentence—
 - (aa) for “Commission shall make public such amendments” substitute “ Secretary of State must, ”;
 - (bb) omit “Member State,”;
 - (cc) at the end insert “ publish a notice, in such manner as appears appropriate to the Secretary of State from time to time, providing the public with details of the third country temporary amendment and the period during which that temporary amendment is to apply ”;
 - (ii) omit the second sentence.
- (16) In Article 19—
- (a) in the first paragraph, for “96” substitute “ 97 ”;
 - (b) in the second paragraph—
 - (i) for “Commission” substitute “ Secretary of State ”;
 - (ii) for the words from “the *Official*” to the end substitute “ such manner as appears appropriate to the Secretary of State from time to time ”.
- (17) In Article 21(2)—
- (a) for “Commission” substitute “ Secretary of State ”;
 - (b) for “it” substitute “ the Secretary of State ”;
 - (c) omit “Member State or”.
- (18) In Article 22—
- (a) in the heading, for “Temporary labelling and presentation” substitute “ Symbols ”;
 - (b) omit the first paragraph;
 - (c) in the second paragraph omit “Union” in each place it occurs;
 - (d) omit the third paragraph.
- (19) In Article 24(1)(a) omit “Member State or third”.
- (20) In Article 25(1)—
- (a) omit “the Member States or”;
 - (b) after “in” insert “ the United Kingdom or ”.
- (21) In Article 26—
- (a) in paragraph 2 omit—
 - (i) “of the Member State concerned”;
 - (ii) “third”;
 - (b) after paragraph 2 insert—

2a. In the case of an application concerning a term originating in Great Britain, a copy of an enactment need not be provided under paragraph 2 where the title of the enactment is given together with its year and chapter, serial or other identifying number.

2b. In the case of an application concerning a term originating in Northern Ireland, a copy of the following enactments need not be provided under paragraph 2 where the title of the relevant enactment is given together with its year and chapter, serial or other identifying number:

- (a) an Act that extends to Northern Ireland, and an enactment contained in any Order in Council, order, rules, regulations or other instrument made under such an Act that extends to Northern Ireland;
- (b) Northern Ireland legislation and an enactment contained in an instrument made under Northern Ireland legislation but not any legislation that forms part of the domestic law of Northern Ireland by virtue of section 7A of the EUWA and the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement.”;
- (c) in paragraph 4, for the words from “authorities” to “question” substitute “ applicant, in the case of an application concerning a term originating in the United Kingdom, or, in the case of an application concerning a term originating in a third country, the authorities of the third country or the applicant established in the third country in question, ”;
- (d) after paragraph 4 insert—

5. In paragraph 2a, ‘enactment’ means the following legislation whenever passed or made:

- (a) an Act, and an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act, except to the extent that they extend to Northern Ireland;
 - (b) retained direct EU legislation, except to the extent that it extends to Northern Ireland;
 - (c) an Act of the Scottish Parliament, and an enactment contained in an instrument made under an Act of the Scottish Parliament;
 - (d) a Measure or Act of Senedd Cymru and an enactment contained in an instrument made under a Measure or Act of Senedd Cymru.”.
- (22) Article 27 is amended in accordance with paragraphs (23) to (25).

(23) In paragraph 1—

- (a) in the first subparagraph—
 - (i) in point (b)—
 - (aa) in point (i) omit “Union or of the third”;
 - (bb) in point (ii) omit “Member State or third”;
 - (ii) in point (d), for “Member State’s legislation or” substitute “legislation of the relevant country or, in the case of an application concerning a term originating in a third country, is ”;
- (b) after the second subparagraph insert—

“In point (d), ‘legislation of the relevant country’, in relation to the United Kingdom, includes legislation that does not apply to all the constituent nations of the United Kingdom but only applies to one or more of them.”.

- (24) In paragraph 2(a) omit “Member State or third”.
- (25) In paragraph 3, for “Union” substitute “ United Kingdom ”.
- (26) In Article 28—
 - (a) in the heading, for “**Commission**” substitute “ **Secretary of State** ”;
 - (b) in paragraphs 1 and 2, for “Commission” substitute “ Secretary of State ”;
 - (c) in paragraph 3—
 - (i) for “Commission” substitute “ Secretary of State ”;
 - (ii) for the words from “it” to the end substitute “ the Secretary of State must publish the application in such manner as appears appropriate to the Secretary of State from time to time ”;
 - (d) in paragraph 4, for “Commission” substitute “ Secretary of State ”;
 - (e) in paragraph 5, for the words from “Commission” to the end substitute “ Secretary of State must reject the application ”;
 - (f) after paragraph 5 insert—

“6. After making a decision to reject an application under paragraph 5, the Secretary of State must publish a notice in such manner as appears appropriate to the Secretary of State from time to time:

- (a) informing the applicant and the public of the decision made in relation to the application and the reasons for that decision, and
- (b) providing information about the right to appeal under Article 39a against the decision and the period within which an appeal may be made.

7. An implementing act to which paragraph 8 applies is revoked.

8. This paragraph applies to an implementing act adopted by the European Commission under Article 28 of EU Regulation 2019/33 ^{M44} and incorporated into domestic law by section 3(1) of the EUWA.”.

- (27) In Article 29, for “Commission” substitute “ Secretary of State ”.
- (28) In Article 30—
 - (a) in paragraph 1—
 - (i) in point (a) omit “Member State or”;
 - (ii) in point (b), for “Commission” substitute “ Secretary of State ”;
 - (b) in paragraph 2, for the words from “Member” to the end substitute “ applicant, or, in the case of an application submitted by a third country authority, that authority ”.
- (29) In Article 31—
 - (a) in paragraph 1—
 - (i) in the first subparagraph—
 - (aa) for “Commission” substitute “ Secretary of State ”;

- (bb) for “it” substitute “ the Secretary of State ”;
- (ii) in the second subparagraph—
 - (aa) for “its” substitute “the Secretary of State's”;
 - (bb) for “Commission” substitute “ Secretary of State ”;
- (b) in paragraph 2, for “Commission” substitute “ Secretary of State ”;
- (c) in paragraph 3—
 - (i) for “Commission”, in both places it occurs, substitute “ Secretary of State ”;
 - (ii) for “it” substitute “ the Secretary of State ”;
 - (iii) omit the third sentence;
- (d) after paragraph 3 insert—

“**3a.** After making a decision about the application, the Secretary of State must publish in such manner as appears appropriate to the Secretary of State a notice:

- (a) informing the applicant, any objector and the public of the decision made in relation to the application and the reasons for that decision, and
- (b) providing information about the right to appeal under Article 39a against the decision and the period within which an appeal may be made.”;
- (e) in paragraph 4, in the first subparagraph, for “Commission”, in both places it occurs, substitute “ Secretary of State ”.
- (30) In Article 32—
 - (a) in paragraph 1(a), for “Commission” substitute “ Secretary of State ”;
 - (b) in paragraph 3, in the first subparagraph—
 - (i) omit “where national legislation so provides,”;
 - (ii) for “Union” substitute “ United Kingdom ”;
 - (iii) for the words from “under Directive” to the end substitute “ in, or under, the TMA ”.
- (31) After Article 32 insert the new Articles 32a and 32b in Part 3 of Schedule 8.
- (32) In Article 34, after the second paragraph insert—

“An implementing act to which the fourth paragraph applies is revoked.

This paragraph applies to an implementing act:

- (a) concerning a decision of the European Commission relating to an application to modify a traditional term registered in the European Union at the time the application was submitted,
- (b) adopted by the European Commission pursuant to Article 34 of EU Regulation 2019/33 following the procedure referred to in the second paragraph of that Article, and
- (c) incorporated into domestic law by section 3(1) of the EUWA.”.
- (33) In Article 35—
 - (a) in the first paragraph—
 - (i) for the words from the beginning to “Commission” substitute “ The Secretary of State ”;
 - (ii) omit “a Member State,”;
 - (iii) for “adopt implementing acts cancelling” substitute “ cancel ”;
 - (b) after the second paragraph insert—

“An implementing act to which the fourth paragraph applies is revoked.

This paragraph applies to an implementing act adopted by the European Commission pursuant to Article 35 of EU Regulation 2019/33 following the procedure referred to in the second paragraph of that Article and incorporated into domestic law by section 3(1) of the EUWA.”.

- (34) In Article 37—
- (a) in paragraph 1, in the first subparagraph, in point (a), for “Commission by a Member State,” substitute “ Secretary of State by ”;
 - (b) in paragraph 2—
 - (i) for “Commission” substitute “ Secretary of State ”;
 - (ii) for “it” substitute “ the Secretary of State ”;
 - (c) in paragraph 3, for “Commission” substitute “ Secretary of State ”.
- (35) In Article 38—
- (a) in the heading, after “in” insert “ **Northern Ireland and** ”;
 - (b) in paragraph 1—
 - (i) after “used in” insert “ Northern Ireland or ”;
 - (ii) for “legislation of” substitute “ legislation applying in Northern Ireland or ”;
 - (c) in paragraph 2—
 - (i) after “originating” insert “ in Northern Ireland or ”;
 - (ii) for the words from “the electronic” to “2019/34,” substitute “ Great Britain's Traditional Terms Register ”;
 - (iii) after “applicable in” insert “ Northern Ireland or ”;
 - (iv) for “including” substitute “ as relevant, including, in the case of a third country, ”.
- (36) For Article 39 substitute—

“Article 39

Established protected traditional terms

The Secretary of State must enter the names of established protected traditional terms on Great Britain's Traditional Terms Register. The entries are to be treated as taking effect on IP completion day.”.

- (37) In Chapter 3, after Section 5 insert the new Section 6 in Part 4 of Schedule 8.
- (38) In Article 42—
- (a) in paragraph 1, for “the Union” substitute “ Great Britain, moved to Northern Ireland ”;
 - (b) in paragraph 2—
 - (i) for the words from “Subsection” to “1308/2013” substitute “ the provisions of Regulation (EU) No 1308/2013 specified in paragraph 2a ”;
 - (ii) for “exported, Member States may” substitute “ moved to Northern Ireland or exported, the Secretary of State may, by administrative decision, ”;
 - (iii) for “Union labelling and presentation rules in force” substitute “ labelling and presentation rules in retained EU law ”;
 - (iv) after “legislation” insert “ that applies in Northern Ireland or ”;
 - (c) after paragraph 2 insert—

“2a. For the purpose of paragraph 2, the provisions of Regulation (EU) No 1308/2013 are:

- (a) Subsection 3 of Section 2 of Chapter 1 of Title 2 of Part 2;
- (b) the first paragraph of Article 118, except so far as it relates to the Food (Lot Marking) Regulations 1996 and Regulation (EU) No 1169/2011;
- (c) paragraph 1(b) of Article 119 (as read with paragraph 3 of that Article);
- (d) points (d), (e) and (g) of Article 120(1);
- (e) paragraph 1 of Article 121, as read with paragraph 3 of that Article, so far as it relates to:
 - (i) the compulsory particulars specified in paragraph 1(b) of Article 119 (as read with paragraph 3 of that Article);
 - (ii) the optional particulars specified in points (d), (e) and (g) of Article 120(1);
- (f) Article 121(2).

2b. By way of derogation from the provisions specified in paragraph 2c, where grapevine products are to be moved to Northern Ireland or exported, the appropriate authority may, by administrative decision, permit particulars and presentations which conflict with labelling and presentation rules in retained EU law if such particulars or presentations of the grapevine products are required by the legislation that applies in Northern Ireland or of the third country in question. These particulars may appear in languages other than English.

2c. For the purpose of paragraph 2b, the provisions of Regulation (EU) No 1308/2013 are:

- (a) the first paragraph of Article 118 so far as it relates to:
 - (i) the Food (Lot Marking) Regulations 1996, and
 - (ii) Regulation (EU) No 1169/2011;
- (b) paragraph 1(a) and (c) to (g) of Article 119 (as read with paragraphs 2 and 4 of that Article);
- (c) Article 120, except for points (d), (e) and (g) of paragraph 1;
- (d) paragraph 1 of Article 121, as read with paragraph 3 of that Article, so far as it relates to:
 - (i) paragraph 1(a) and (c) to (g) of Article 119 (as read with paragraphs 2 and 4 of that Article);
 - (ii) Article 120, except for points (d), (e) and (g) of paragraph 1.”;
- (d) in paragraph 3, for the words from “Member” to “force” substitute “ the Secretary of State may use any power the Secretary of State may have to permit the use of presentations that conflict with presentation rules in force in retained EU law ”;
- (e) after paragraph 3 insert—

“4. In this Article, ‘retained EU law’ has the meaning given in section 6(7) of the EUWA but does not include any legislation so far as it extends to Northern Ireland.”.

- (39) In Article 50—
- (a) in paragraph 1—
 - (i) in the words before point (a)—
 - (aa) for “the Union” substitute “ Great Britain ”;
 - (bb) after “produced in”, in the second place it occurs, insert “ Northern Ireland or ”;
 - (ii) in point (b)—
 - (aa) omit the first subparagraph;
 - (bb) in the second subparagraph, for the words from “Member” to “1308/2013,” substitute “ wines produced in Great Britain, ”;
 - (iii) in point (c)—
 - (aa) after “originating in” insert “ Northern Ireland or ”;
 - (bb) after “producers in” insert “ Northern Ireland or ”;
 - (cc) after “including” insert “ , in the case of a third country, ”;
 - (dd) after “and” insert “ , in both cases, ”;
 - (b) in paragraph 2, in the second subparagraph omit the words from “and the equivalent” to “languages”;
 - (c) in paragraph 3—
 - (i) in the first subparagraph, after “indication of” insert “ Northern Ireland or ”;
 - (ii) omit the second subparagraph.
- (40) In Article 51—
- (a) number the first paragraph as paragraph 1;
 - (b) number the second paragraph as paragraph 2;
 - (c) number the third paragraph as paragraph 4;
 - (d) number the fourth paragraph as paragraph 5;
 - (e) in paragraph 1 (as numbered by sub-paragraph (a))—
 - (i) in the words before point (a), for the words from “Member” to “ ‘varietal wine’ ” substitute “nothing in this Regulation prevents regulations being made under the 1990 Act permitting the use of the term ‘varietal wine’ on grapevine products produced in Great Britain,”;
 - (ii) in point (a), for “of the Member State(s) concerned” substitute “ ‘United Kingdom’ ”;
 - (f) in paragraph 2 (as numbered by sub-paragraph (b)), for “the first paragraph” substitute “ paragraph 1 produced in a third country ”;
 - (g) after paragraph 2 (as numbered by sub-paragraph (b)) insert—

“3. Nothing in this Regulation prevents a relevant NI grapevine product from being placed on the market in Great Britain using the term ‘varietal wine’ supplemented by the name ‘United Kingdom’ if the law that applies in Northern Ireland permits the use of the term ‘varietal wine’ in relation to that product when marketed in Northern Ireland.”;
 - (h) in paragraph 4 (as numbered by sub-paragraph (c)), for the words from “of the name(s)” to the end substitute “ , pursuant to this Article, of the name ‘England’, ‘Northern Ireland’, ‘Scotland’, ‘Wales’ or ‘United Kingdom’ or the name of a third country”;

- (i) in paragraph 5 (as numbered by sub-paragraph (d)), for the words from “the United” to “State” substitute “a grapevine product to which paragraph 1 applies, the name ‘United Kingdom’”;
 - (j) after paragraph 5 (as numbered by sub-paragraph (d)) insert—
 - “6. In the case of a grapevine product to which paragraph 3 applies, the name ‘United Kingdom’ may be replaced by the name ‘Northern Ireland’.
7. In paragraph 3, ‘relevant NI grapevine product’ means a grapevine product:
- (a) of a type referred to in any of points (1) to (9) or (16) of Part 2 of Annex 7 to Regulation (EU) No 1308/2013,
 - (b) that is produced in Northern Ireland from grapes harvested in the United Kingdom,
 - (c) that does not bear a protected designation of origin or protected geographical indication or any other geographical indication, and
 - (d) that bears the name of one or more wine grape varieties on its label.”.
- (41) In Article 52—
- (a) in paragraph 4, for the words from “the Member” to “the third” substitute “ rules in the ”;
 - (b) after paragraph 4 insert—
 - “5. For the purpose of paragraph 4, ‘rules’ includes:
 - (a) in relation to a constituent nation of Great Britain, regulations made under the 1990 Act;
 - (b) in relation to Northern Ireland, regulations made under the Food Safety (Northern Ireland) Order 1991^{M45}.”.
- (42) In Article 53—
- (a) in paragraph 2, in the first subparagraph—
 - (i) in the first sentence, after “indication of” insert “ Northern Ireland or ”;
 - (ii) in the second sentence omit “Member States and”;
 - (iii) after the second sentence insert—
 - “Nothing in this Regulation prevents the use of other indications equivalent to those laid down in Annex 5 for such grapevine products of Northern Ireland if those other indications may be used, in accordance with the law that applies in Northern Ireland, on those products when marketed in Northern Ireland.”;
 - (b) in paragraph 3, in the words before point (a), after “indication of” insert “ Northern Ireland or ”;
 - (c) in paragraph 4, in the words before point (a), after “indication of” insert “ Northern Ireland or ”;
 - (d) in paragraph 5—
 - (i) in the first subparagraph, in the words before point (a), after “indication of” insert “ Northern Ireland or ”;
 - (ii) in the second subparagraph, after “indication of” insert “ Northern Ireland or ”.
- (43) In Article 54(2) omit the first sentence.

- (44) In Article 55—
- (a) in paragraph 1, after “indication of” insert “ Northern Ireland or ”;
 - (b) in paragraph 2—
 - (i) in the first subparagraph omit the second sentence;
 - (ii) omit the third subparagraph.
- (45) In Article 57—
- (a) in paragraph 1—
 - (i) in the first subparagraph, in the words before point (a), for “the Union” substitute “ Great Britain ”;
 - (ii) in the second subparagraph, for “the Union” substitute “ Great Britain ”;
 - (b) in paragraph 2, for “Member States may decide” substitute “ regulations may be made under the 1990 Act to provide ”.
- (46) In Article 58—
- (a) in the heading omit “**laid down by the producing Member States**”;
 - (b) omit paragraph 1;
 - (c) in paragraph 2, for “Member States may” substitute “ Nothing in this Regulation prevents regulations from being made under the 1990 Act to ”;
 - (d) in paragraph 3—
 - (i) for “Member States may decide” substitute “ nothing in this Regulation prevents regulations from being made under the 1990 Act ”;
 - (ii) at the end insert “ where those grapevine products do not bear a protected designation of origin or geographical indication ”;
 - (e) for paragraph 4 substitute—

“4. Nothing in this Regulation prevents regulations from being made for control purposes under the 1990 Act to apply Articles 118, 119(1) (other than point (b)) and 120(1) (other than point (d)) of Regulation (EU) No 1308/2013 to a grapevine product that:

 - (a) has been bottled on their territory,
 - (b) does not bear a protected designation of origin or geographical indication, and
 - (c) has not been placed on the market.”.
- (47) In Article 59—
- (a) for “Commission” substitute “ Secretary of State ”;
 - (b) for “to 98 and Articles” substitute “ , 95, 97, 98, ”.
- (48) For Article 61 substitute the new Article 61 in Part 5 of Schedule 8.
- (49) After Article 62 omit the words from “This Regulation” to “States.”.
- (50) Before Annex 1 insert the new Annexes A1 and A2 in Part 6 of Schedule 8.
- (51) In Annex 1, for Part A substitute the new Part A in Part 7 of Schedule 8.
- (52) For Annexes 2 and 3 substitute the new Annexes 2 and 3 in Part 8 of Schedule 8.

Commencement Information

III Reg. 26 in force at 31.12.2020, see reg. 1(7)

Marginal Citations

M44 OJ No. L 9, 11.1.2019, p. 2.

M45 S.I. 1991/762 (N.I. 7).

Commission Implementing Regulation (EU) 2019/34

27.—(1) Commission Implementing Regulation (EU) 2019/34 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, amendments to product specifications, the register of protected names, cancellation of protection and use of symbols, and of Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards an appropriate system of checks^{M46} is amended as follows.

- (2) In Article 1(f) omit “Union”.
- (3) After Article 1 insert the new Article 1a in Part 1 of Schedule 9.
- (4) Omit Article 2.
- (5) In Article 3, for “Commission” substitute “ Secretary of State ”.
- (6) In Article 4—
 - (a) for paragraph 1 substitute—

“**1.** A joint application, as referred to in Article 95(3) of Regulation (EU) No 1308/2013, must be submitted to the Secretary of State by:

- (a) a group of producers in one of the countries in which part of the relevant geographical area is situated,
- (b) a single producer in one of the countries in which part of the relevant geographical area is situated in a case where, in relation to that country and that area, Article 3 of Delegated Regulation (EU) 2019/33 applies, or
- (c) through the authorities of a third country in which part of the relevant geographical area is situated.

1a. Where a joint application concerns a geographical area that includes an area in the United Kingdom, the application must fulfil the requirements laid down in Article 94 of Regulation (EU) No 1308/2013 in relation to that area, except for the requirement in paragraph 3 of that Article.

1b. Where a joint application concerns a geographical area that includes an area in a third country, the application must fulfil the requirements laid down in Article 94 of Regulation (EU) No 1308/2013 in relation to that area, including the requirement laid down in paragraph 3 of that Article.”;

- (b) in paragraph 2—
 - (i) for the words from “Member” to “a third country” substitute “ group of producers, single producer or third country authority ”;
 - (ii) for “Commission”, in both place it occurs, substitute “ Secretary of State ”.
- (7) In Article 5—
 - (a) in paragraph 1, for point (b) substitute—

- (ii) in the second subparagraph omit the second and third sentences.
- (11) In Article 10—
- (a) in the heading, at the end insert “ **concerning a grapevine product originating in a third country** ”;
- (b) in paragraph 1—
- (i) in the words before point (a)—
- (aa) after “specification” insert “ concerning a grapevine product originating in a third country ”;
- (bb) for “17” substitute “ 17(3) ”;
- (ii) in point (c)—
- (aa) at the beginning insert “ a copy of ”;
- (bb) for “paragraphs 2 and 3 of Article 17” substitute “ Article 17(3) ”;
- (iii) in point (e), for “the electronic reference to the publication” substitute “ a copy ”;
- (c) omit paragraph 2;
- (d) in paragraph 3—
- (i) omit the words from the beginning to “countries,”;
- (ii) omit the second sentence;
- (e) omit paragraph 4;
- (f) in paragraph 5, for “referred to in paragraph 3” substitute “ to which this Article applies ”.
- (12) In Article 11—
- (a) in the heading, at the end insert “ **concerning a grapevine product originating in a third country** ”;
- (b) in paragraph 1—
- (i) in the words before point (a)—
- (aa) after “specification” insert “ concerning a grapevine product originating in a third country ”;
- (bb) for “18” substitute “ 18(3) ”;
- (ii) in point (b)—
- (aa) for “Article 14(2)” substitute “ the words before point (a) of Article 14(2d) ”;
- (bb) at the end insert “ as recognised by a competent authority in the third country in question ”;
- (iii) after point (c) insert—
- “(d) a consolidated copy of the product specification incorporating the approved temporary amendment in a way that makes the temporary amendment readily apparent.”;
- (c) omit paragraph 2;
- (d) in paragraph 3—
- (i) omit the words from the beginning to “countries,”;
- (ii) omit the second sentence;
- (e) omit paragraph 4;
- (f) in paragraph 5, for “referred to in paragraph 3” substitute “ to which this Article applies ”.

(13) In Article 12—

(a) in paragraph 1—

(i) in the words before point (a)—

(aa) for the words from the beginning to “conferring” substitute “ Where the Secretary of State publishes a notice under Article 99(3) of Regulation (EU) No 1308/2013 relating to a decision of the Secretary of State to confer ”;

(bb) for “Commission” substitute “ Secretary of State ”;

(cc) at the end insert “ as soon as possible after the notice period expires ”;

(ii) omit points (f) to (h);

(b) after paragraph 1 insert—

“**1a.** Following the publication of a notice referred to in paragraph 1, the Secretary of State must attach a copy of the single document and the product specification for the relevant designation of origin or geographical indication to the register.

1b. An entry for a designation of origin or geographical indication recorded in the register pursuant to paragraph 1 confers the protection for the designation of origin or geographical indication referred to in Article 102 of Regulation (EU) No 1308/2013 and the entry in the register, and the provisions in the product specification attached to the register, for the designation of origin or geographical indication take effect immediately after:

(a) the entry for the designation of origin or geographical indication is made in the register, and

(b) the copy of the product specification for the designation of origin or geographical indication is attached to the register.”;

(c) for paragraph 2 substitute the new paragraphs 2 to 2l in Part 2 of Schedule 9;

(d) in paragraph 3—

(i) for the words from the beginning to “Commission shall” substitute “ Where the Secretary of State publishes a notice under Article 106 of Regulation (EU) No 1308/2013 (as it applies to cancellations by virtue of the first paragraph of Article 19 of Delegated Regulation (EU) 2019/33) relating to a decision of the Secretary of State to cancel a designation of origin or geographical indication, the Secretary of State must, as soon as possible after the notice period for the notice has expired, ”;

(ii) insert as the second sentence—

“The cancellation takes effect immediately after the name is deleted from the register.”;

(e) omit paragraph 4.

(14) After Article 12 insert the new Article 12a in Part 3 of Schedule 9.

(15) In Chapter 2, in Section 6, in the heading omit “**Union**”.

(16) In Article 14—

(a) in the heading omit “**Union**”;

(b) number the existing paragraph as paragraph 1;

(c) in paragraph 1 (as numbered by sub-paragraph (b))—

(i) omit “Union”;

- (ii) for the words from “reproduced” to the end substitute “ the symbol for a protected designation of origin or protected geographical indication, as relevant, established pursuant to Article 12(2) of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs as laid down in the Annex to Commission Delegated Regulation (EU) No 664/2014 supplementing Regulation (EU) No 1151/2012 of the European Parliament and of the Council with regard to the establishment of the Union symbols for protected designations of origin, protected geographical indications and traditional specialities guaranteed and with regard to certain rules on sourcing, certain procedural rules and certain additional transitional rules ”;
- (d) after paragraph 1 (as numbered by sub-paragraph (b)) insert—

“2. Where used, the symbol must be used in accordance with Article 13(2) of Commission Implementing Regulation (EU) No 668/2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs.”.

(17) In Article 15—

- (a) in paragraph 1, for “(EC) No 882/2004” substitute “ 2017/625 ”;
- (b) in paragraph 2—
 - (i) in the words before point (a) (and before point (aa) as inserted by paragraph (ii)), after “area in” insert “ Northern Ireland or ”;
 - (ii) before point (a) insert as point (aa)—
 - “(aa) in relation to a product produced in Northern Ireland, the authority designated for that purpose by regulation 4 of the Wine Regulations 2011 as that regulation extends to Northern Ireland;”;
 - (iii) in point (a), at the beginning insert “ in relation to a product produced in a third country, ”;
 - (iv) in point (b), at the beginning insert “ in relation to a product produced in Northern Ireland or a third country, ”;
- (c) in paragraph 3, in the second subparagraph, for the words from “and for” to “Regulation” substitute “ until 14th January 2021 ”;
- (d) omit paragraph 6.

(18) Omit Article 16.

(19) For Article 17 substitute—

“Article 17

Names and addresses of competent authorities etc.

The Secretary of State must make public, in such manner as appears appropriate to the Secretary of State from time to time, the names and addresses of the competent authority or control bodies responsible for carrying out checks relating to the use of protected designations of origin and protected geographical indications in Great Britain.”.

(20) In Article 18—

- (a) in the heading, for “**Commission**” substitute “ **Secretary of State** ”;
- (b) in the words before point (a), for “Commission, at its” substitute “Secretary of State, at the Secretary of State's”.

- (21) In Article 19—
- (a) in paragraph 1—
- (i) in the second subparagraph, in the words before point (a), for “the Member State in which production takes place” substitute “ Great Britain ”;
 - (ii) in the third subparagraph—
 - (aa) omit “Member States opt to conduct”;
 - (bb) for “, they” substitute “ are carried out, the competent authority or the delegated body ”;
 - (iii) in the fourth subparagraph—
 - (aa) omit “Member States opt to conduct”;
 - (bb) for “, they” substitute “ is carried out, the competent authority or the delegated body ”;
- (b) omit paragraph 5;
- (c) in paragraph 6, for “5” substitute “ 4 ”;
- (d) omit paragraphs 7 and 8;
- (e) insert as the last paragraph—

“9. In this Article, ‘delegated body’ has the meaning given by point (5) of Article 3 of Regulation 2017/625.”.

- (22) In Article 20—
- (a) in point (b)(ii), for “Member States legislation or product specifications of” substitute “ any other enactment relating to, or in the product specification of, the ”;
- (b) after the existing paragraph insert—
- “In this Article, ‘enactment’ means the following legislation whenever passed or made:
- (a) an Act, and an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act, except to the extent that they extend to Northern Ireland;
 - (b) retained direct EU legislation, except to the extent that it extends to Northern Ireland.”.

- (23) In Article 21—
- (a) in paragraph 1, for the words from “Commission” to “in third countries” substitute “ Secretary of State by a representative professional organisation established in the United Kingdom or a third country, as relevant, or, in the case of a third country, by a competent authority of that third country, ”;
- (b) in paragraph 2—
- (i) omit “established in a third country”;
 - (ii) for “Commission”, in both places it occurs, substitute “ Secretary of State ”.

- (24) In Article 22—
- (a) in paragraph 1—
- (i) for “Member State, third country,” substitute “ third country ”;
 - (ii) for the words from “of publication” to “to in” substitute “ on which the Secretary of State publishes the application under ”;

- (b) in paragraph 2, for “Commission” substitute “ Secretary of State ”.
- (25) In Article 23(3)—
- (a) for “Commission”, in both places it occurs, substitute “ Secretary of State ”;
 - (b) omit “the Member State or”;
 - (c) omit “established in the third country in question”.
- (26) In Article 24—
- (a) in paragraph 1, for “Commission” substitute “ Secretary of State ”;
 - (b) in paragraph 2—
 - (i) for “Commission” substitute “ Secretary of State ”;
 - (ii) for “its” substitute “the Secretary of State's”.
- (27) In Article 25—
- (a) in paragraph 1—
 - (i) in the words before point (a)—
 - (aa) for the words from the beginning to “conferring” substitute “ Following the publication of a notice under Article 31(3a) of Implementing Regulation (EU) 2019/33 by the Secretary of State relating to a decision by the Secretary of State to confer ”;
 - (bb) for “Commission” substitute “ Secretary of State ”;
 - (cc) at the end insert “ as soon as possible after the notice period has expired ”;
 - (ii) in point (e)—
 - (aa) omit “Member State or third”;
 - (bb) for “the third” substitute “ a third ”;
 - (b) after paragraph 1 insert—

“1a. An entry made in Great Britain's Traditional Terms Register pursuant to paragraph 1 takes effect immediately after the entry relating to the traditional term is recorded in the register.”;
 - (c) after paragraph 2 insert—

“3. A traditional term to which paragraph 4 applies may be entered in Great Britain's Traditional Terms Register where the condition in paragraph 5 is satisfied.

4. This paragraph applies to a traditional term used in a third country that must be protected in Great Britain pursuant to an international agreement to which the United Kingdom and the third country are contracting parties (‘the UK-third country agreement’).

5. The condition is that the traditional term is a traditional term that was protected in the European Union immediately before IP completion day pursuant to an international agreement to which the European Union and the third country were contracting parties.

6. The same protection is to be afforded to a traditional term entered in Great Britain's Traditional Terms Register pursuant to paragraph 3 as a traditional term included in

the register following the approval of an application submitted in compliance with this Regulation and Delegated Regulation (EU) 2019/33.

7. In relation to the protection of a traditional term entered in Great Britain's Traditional Terms Register pursuant to paragraph 3, the following conditions apply to the use of the term:

- (a) insofar as relevant, any conditions laid down in the law of the third country relating to the use of the traditional term, and
- (b) any other conditions referred to, or laid down, in the UK-third country agreement relating to the use of the traditional term.

8. An entry recorded in the register pursuant to paragraph 3 is to be treated as taking effect:

- (a) in a case where the register is established by the Secretary of State after IP completion day but before the end of the day following the day on which IP completion day falls and the entry is in the register as established during that period, on IP completion day;
- (b) in any other case, immediately the entry is recorded in the register.”.

(28) After Article 25 insert the new Article 25a in Part 4 of Schedule 9.

(29) In Article 26, after “any” insert “ movement to Northern Ireland or ”.

(30) In Article 27—

- (a) after paragraph 1 insert—

“1a. After making a decision whether to approve a modification to a traditional term, the Secretary of State must publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice:

- (a) informing the applicant and the public of the decision made by the Secretary of State and the reasons for that decision, and
- (b) providing information about the right to appeal against the decision under Article 39a of Delegated Regulation (EU) 2019/33 and the period within which an appeal may be made.”;

(b) in paragraph 2—

- (i) for “Commission approves” substitute “ Secretary of State publishes a notice under paragraph 1a relating to a decision of the Secretary of State to approve ”;
- (ii) for “it” substitute “ the Secretary of State ”;
- (iii) for the words from “with effect” to the end substitute “ in Great Britain's Traditional Terms Register as soon as possible after the notice period relating to that notice has expired ”;

(c) after paragraph 2 insert—

“3. The new specifications take effect immediately after they are recorded in Great Britain's Traditional Terms Register.”.

(31) In Article 28(2), for “Commission”, in both places it occurs, substitute “ Secretary of State ”.

(32) In Article 29—

- (a) in paragraph 1—
 - (i) in the first subparagraph—
 - (aa) for “Commission” substitute “ Secretary of State ”;
 - (bb) for “it” substitute “ the Secretary of State ”;
 - (cc) omit “the Member State or”;
 - (dd) omit “established in the third country in question”;
 - (ii) in the second subparagraph, for “Commission” substitute “ Secretary of State ”;
- (b) in paragraph 2—
 - (i) omit “the Member State or”;
 - (ii) omit “established in the third country in question”;
 - (iii) for “Commission” substitute “ Secretary of State ”;
- (c) in paragraph 3—
 - (i) in the first subparagraph—
 - (aa) for “Commission” substitute “ Secretary of State ”;
 - (bb) for “it” substitute “ the Secretary of State ”;
 - (cc) for “It” substitute “ The Secretary of State ”;
 - (ii) omit the second subparagraph;
- (d) after paragraph 3 insert—

“**3a.** After making a decision whether to cancel the protection of the traditional term, the Secretary of State must publish, in such manner as appears appropriate to the Secretary of State from time to time, a notice:

- (a) informing the author of the cancellation request, the public and, where relevant, the third country authorities in question of the decision made by the Secretary of State and the reasons for that decision, and
- (b) providing information about the right to appeal under Article 39a of Delegated Regulation (EU) 2019/33 against the decision and the period within which an appeal may be made.”;
- (e) in paragraph 4, in the first subparagraph, for “Commission”, in both places it occurs, substitute “ Secretary of State ”;
- (f) in paragraph 5—
 - (i) for the words from the beginning to “shall” substitute “ Where the Secretary of State publishes a notice under paragraph 3a relating to a decision of the Secretary of State to cancel a traditional term, the Secretary of State must ”;
 - (ii) after “register” insert “ as soon as possible after the notice period for the notice has expired, ”;
 - (iii) insert as the second sentence—

“The cancellation takes effect immediately after the name of the traditional term is removed from the register.”.

(33) Article 30 is amended in accordance with paragraphs (34) to (38).

(34) In the heading, for “**Commission, the Member States**” substitute “ **Secretary of State, applicants** ”.

- (35) In paragraph 1, for the words from “Commission as” to the end substitute “ Secretary of State by electronic mail, using the forms set out in Annexes 1 to 7 ”.
- (36) Omit paragraph 2.
- (37) In paragraph 3, for “Commission” substitute “ Secretary of State ”.
- (38) In paragraph 4—
- (a) in the first subparagraph—
 - (i) omit the first sentence;
 - (ii) in the remaining sentence—
 - (aa) for the words from “point” to “2” substitute “ paragraphs 1 ”;
 - (bb) for “Commission to the Member States,” substitute “ Secretary of State to ”;
 - (cc) for “authorities and” substitute “ authorities of third countries, as well as ”;
 - (dd) for “of third countries, as well as” substitute “ and ”;
 - (b) omit the second subparagraph.
- (39) In Article 31—
- (a) in paragraph 1, for “Commission” substitute “ Secretary of State ”;
 - (b) omit paragraph 2;
 - (c) in paragraph 3—
 - (i) in the first subparagraph, for “Commission” substitute “ Secretary of State ”;
 - (ii) in the second subparagraph—
 - (aa) for “It” substitute “ The Secretary of State ”;
 - (bb) for “Union amendment” substitute “ non-standard amendment, UK standard amendment or UK temporary amendment ”;
 - (cc) after “applications for”, in both places it occurs, insert “ third country ”;
 - (iii) in the fourth subparagraph, for “Commission” substitute “ Secretary of State ”;
 - (d) omit paragraph 4.
- (40) In Article 32—
- (a) for “Commission”, in the first place it occurs, substitute “ Secretary of State ”;
 - (b) for the words from “through” to the end substitute “ in such manner as appears appropriate to the Secretary of State from time to time ”.
- (41) In Article 33—
- (a) in the first paragraph—
 - (i) for “Union” substitute “ non-standard ”;
 - (ii) for the words from “in the” to the end substitute “ by the Secretary of State. They may be published in such manner as appears appropriate to the Secretary of State from time to time ”;
 - (b) in the second paragraph, for the words from “in the” to the end substitute “ by the Secretary of State. They may be published in such manner as appears appropriate to the Secretary of State from time to time ”.
- (42) After Article 34 omit the words from “This Regulation” to “States.”.
- (43) In Annex 1, in the section headed “2. **Third country to which the demarcated area belongs:**”—
- (a) in the heading, for “**Third**” substitute “ **Great Britain, Northern Ireland or third** ”;

(b) after the heading insert—

“[If more than one is relevant then list as relevant]”.

(44) In Annex 2—

(a) for the sections headed “1. **Name of product**” and “2. **Official reference**” substitute—

“1 Name of product

1. [as given in the single document published by the Secretary of State in relation to the application under Article 97(3) of Regulation (EU) No 1308/2013] ...

2 Official reference

2. [as given in the single document published by the Secretary of State in relation to the application under Article 97(3) of Regulation (EU) No 1308/2013]

Reference number: ...

Date of publication under Article 97(3) of Regulation (EU) No 1308/2013: ...”;

(b) in the section headed ‘3. **Name of the objector (Person, body, Member State or Third Country)**’, in the heading omit “, **Member State**”.

(45) In Annex 3—

(a) for the sections headed “1. **Name of product**” and “2. **Official reference**” substitute—

“1 Name of product

1. [as given in the single document published by the Secretary of State in relation to the application under Article 97(3) of Regulation (EU) No 1308/2013]

2 Official reference

2. [as given in the single document published by the Secretary of State in relation to the application under Article 97(3) of Regulation (EU) No 1308/2013]

Reference number:

Date of publication under Article 97(3) of Regulation (EU) No 1308/2013:”;

(b) in the section headed “3. **Name of the objector (Person, body, Member State or Third Country)**”, in the heading omit “, **Member State**”.

(46) In Annex 4—

(a) in the heading, for “**UNION**” substitute “ **NON-STANDARD** ”;

(b) for “EU No: [for EU use only]” substitute “ GB No: [for official use only] ”;

(c) in the section headed “2. **Third country to which the demarcated area belongs**”—

(i) in the heading, for “**Third**” substitute “ **Great Britain, Northern Ireland or third** ”;

(ii) after the heading insert—

“[If more than one is relevant then list as relevant]”;

(d) in the section headed “4. **Type of amendment(s)**”, in the words in square brackets—

(i) for “*Union*” substitute “ *non-standard* ”;

(ii) for “*14(1)*” substitute “ *14(1a)* ”;

- (e) in the section headed “6. **Annexes**”, in the paragraph numbered 6.2 omit the words from “as” to the end.
- (47) In Annex 5—
- (a) in the heading, after “A” insert “ **THIRD COUNTRY** ”;
 - (b) for “EU No: [for EU use only]” substitute “ GB No: [for official use only] ”;
 - (c) in the section headed “2. **Description of the approved amendment(s)**”, in the wording in square brackets—
 - (i) after “*for the*” insert “ *third country* ”;
 - (ii) after “*definition of*” insert “ *third country* ”;
 - (iii) for “14(1)” substitute “ 14(2c) ”;
 - (d) in the section headed “4. **Annexes**”—
 - (i) in the paragraph numbered 4.1, after “approved” insert “ third country ”;
 - (ii) in the paragraph numbered 4.2, after “approving the” insert “ third country ”;
 - (iii) in the paragraph numbered 4.5 omit the words from “as” to the end.
- (48) In Annex 6—
- (a) in the heading, after “A” insert “ **THIRD COUNTRY** ”;
 - (b) for “EU No: [for EU use only]” substitute “ GB No: [for official use only] ”;
 - (c) in the section headed “2. **Description of the approved amendment(s)**”, in the wording in square brackets—
 - (i) after “*for the*” insert “ *third country* ”;
 - (ii) after “*definition of*” insert “ *third country* ”;
 - (iii) for “14(2)” substitute “ 14(2d) ”;
 - (d) in the section headed “4. **Annexes**”—
 - (i) in the paragraph numbered 4.1, after “approved” insert “ third country ”;
 - (ii) in the paragraph numbered 4.2, after “the” insert “ third country ”.
- (49) In Annex 7—
- (a) for “EU No: [for EU use only]” substitute “ GB No: [for official use only] ”;
 - (b) in the section headed “2. **Member State or Third Country to which the demarcated area belongs**”—
 - (i) in the heading, for “**Member State**” substitute “ **Great Britain, Northern Ireland** ”;
 - (ii) after the heading insert—

“*[If more than one is relevant then list as relevant]*”;
 - (c) in the section headed “3. **Person, body, Member State or Third Country making the cancellation request**”, in the heading omit “, **Member State**”.
- (50) In Annex 8—
- (a) for “*[to be completed by the Commission]*”, in both places it occurs, substitute “ *[for official use only]* ”;
 - (b) omit “Language of the application ...”;
 - (c) in the section headed “**Applicant**” omit “Competent authority of the Member State (*)”.
- (51) In Annex 9—

- (a) for “[to be completed by the Commission]”, in both places it occurs, substitute “ [for official use only] ”;
 - (b) omit “Language of the objection ...”;
 - (c) in the section headed “**Objector**” omit “Member State or”;
 - (d) in the section headed “**Intermediary**”—
 - (i) omit the first indent;
 - (ii) for the second indent substitute—
 - “Third country authority (optional)”;
 - (iii) omit “[(*) delete as appropriate]”.
- (52) In Annex 10—
- (a) for “[to be completed by the Commission]”, in both places it occurs, substitute “ [for official use only] ”;
 - (b) omit “Language of request of modification ...”.
- (53) In Annex 11—
- (a) for “[to be completed by the Commission]”, in both places it occurs, substitute “ [for official use only] ”;
 - (b) omit “Language of request of cancellation ...”.
- (54) Omit Annex 12.

Commencement Information

I12 Reg. 27 in force at 31.12.2020, see reg. 1(7)

Marginal Citations

M46 EUR 2019/34; prospective amendments were included in [S.I. 2019/759](#). They would have come into force on IP completion day. They are omitted by regulation 4 of this instrument and are replaced, in relation to Great Britain, on IP completion day with the amendments in regulation 27 of, and Schedule 9 to, this instrument.

Regulation (EU) 2019/787 of the European Parliament and of the Council

28.—(1) Regulation (EU) 2019/787 of the European Parliament and of the Council on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages is amended as follows.

- (2) In Article 3—
 - (a) in point (5), for “Regulation (EC) No” substitute “ EU Regulation ”;
 - (b) in point (7), for “Union” substitute “ United Kingdom ”;
 - (c) after point (7) ^{M47} insert points (8) to (15) in Part 1 of Schedule 10.
- (3) In Article 16—
 - (a) in the heading omit “**Union**”;
 - (b) in the paragraph omit “Union”.
- (4) For Article 20 substitute—

“Article 20

Power to make regulations: symbol

The Secretary of State may, by regulations, make rules on the use of the symbol referred to in Article 16 in the description, presentation and labelling of spirit drinks.”.

- (5) In Article 21—
 - (a) in paragraph 3, for “the Union” substitute “ Great Britain ”;
 - (b) in paragraph 4, for “the customs territory of the Union” substitute “ Great Britain ”.
- (6) In Article 22—
 - (a) in paragraph 1, in the second subparagraph omit the words from “, taking” to the end;
 - (b) in paragraph 2, for “Regulation (EC) No 110/2008” substitute “ EU Regulation 110/2008^{M48} as it had effect in Great Britain before that day ”.
- (7) In Article 23—
 - (a) in paragraph 1, in the second subparagraph omit “the publication reference of the product specification and”;
 - (b) omit paragraph 2.
- (8) Article 24 is amended in accordance with paragraphs (9) to (14).
- (9) In paragraph 2—
 - (a) for “a Member State may” substitute “ the Secretary of State may, on application to the Secretary of State, ”;
 - (b) omit “dossier”;
 - (c) for “23(2)” substitute “ 23 ”.
- (10) In paragraph 4—
 - (a) in the first subparagraph omit “Member States or third”;
 - (b) in the second subparagraph—
 - (i) in the first sentence—
 - (aa) for “Commission by a Member State concerned, or” substitute “ Secretary of State ”;
 - (bb) omit “in a third country concerned, directly”;
 - (cc) for “of that third country after consultation” substitute “ of a third country concerned, after consultation, in both cases, ”;
 - (ii) omit the second sentence;
 - (iii) in the last sentence, for “in all Member States and third” substitute “ , as relevant, in all the ”.
- (11) In paragraph 5—
 - (a) in the first subparagraph—
 - (i) for “a Member State” substitute “ the United Kingdom ”;
 - (ii) for “authorities of that Member State” substitute “ Secretary of State ”;
 - (b) omit the second subparagraph.
- (12) Omit paragraphs 6 and 7.
- (13) In paragraph 8, for “Commission” substitute “ Secretary of State ”.
- (14) In paragraph 9, for “Commission” substitute “ Secretary of State ”.

- (15) Omit Article 25.
- (16) In Article 26—
- (a) in the heading, for “**Commission**” substitute “ **Secretary of State** ”;
 - (b) in paragraph 1—
 - (i) in the first subparagraph—
 - (aa) for “Commission”, in both places it occurs, substitute “ Secretary of State ”;
 - (bb) for “it”, in the first place it occurs, substitute “ the Secretary of State ”;
 - (cc) for “outside the Member State of application” substitute “ both inside and outside of Great Britain ”;
 - (ii) in the second subparagraph—
 - (aa) for “Commission” substitute “ Secretary of State ”;
 - (bb) for “it” substitute “ the Secretary of State ”;
 - (cc) omit “Member State or third”;
 - (dd) after the second sentence insert—

“In a case of an application relating to an area in more than one country, the names of all the relevant countries must be stated on the list.”;
 - (c) in paragraph 2—
 - (i) for “Commission” substitute “ Secretary of State ”;
 - (ii) for the words from “it” to the end substitute “ the Secretary of State must publish the product specification referred to in Article 23(1)(b) and the single document referred to in Article 23(1)(c) in such manner as appears appropriate to the Secretary of State from time to time ”.
- (17) In Article 27—
- (a) in paragraph 1—
 - (i) in the first subparagraph—
 - (aa) for the words from “of publication” to “in a third country” substitute “ on which the product specification and single document are published in accordance with Article 26(2), a natural or legal person having a legitimate interest (whether established in Great Britain or elsewhere), or the authorities of a third country, ”;
 - (bb) for “Commission” substitute “ Secretary of State ”;
 - (ii) omit the second subparagraph;
 - (iii) in the last subparagraph—
 - (aa) for “Commission” substitute “ Secretary of State ”;
 - (bb) for “authority or body” substitute “ applicant or authority ”;
 - (b) in paragraph 2, for “Commission”, in both places it occurs, substitute “ Secretary of State ”;
 - (c) in paragraph 3—
 - (i) in the first subparagraph—
 - (aa) for “Commission” substitute “ Secretary of State ”;
 - (bb) for “authority or body” substitute “ applicant or authority ”;
 - (ii) in the second subparagraph—
 - (aa) for “authority or body” substitute “ applicant or authority ”;

- (bb) for “Commission” substitute “ Secretary of State ”;
 - (iii) in the third subparagraph—
 - (aa) for “authorities of the Member State or” substitute “ applicant that submitted the application or the authorities ”;
 - (bb) for “Commission” substitute “ Secretary of State ”;
 - (cc) omit “of a Member State or”;
 - (iv) in the fourth and fifth subparagraphs, for “Commission” substitute “ Secretary of State ”;
 - (d) in paragraph 4, for “Commission” substitute “ Secretary of State ”;
 - (e) in paragraph 5, for “Commission” substitute “ Secretary of State ”.
- (18) In Article 28—
- (a) in paragraph 1, in the words before point (a), for “Commission” substitute “ Secretary of State ”;
 - (b) in paragraph 2, for “the Union” substitute “ Great Britain, except that, in relation to paragraph 1(b) as it relates to Article 35(1), the opposition must be assessed in relation to the territory of the United Kingdom ”.
- (19) In Article 29—
- (a) in paragraph 1—
 - (i) in the first subparagraph, in the words before point (a)—
 - (aa) for “Commission may adopt implementing acts granting” substitute “ Secretary of State may, by regulations, grant ”;
 - (bb) for the words from “spirit” to “country” substitute “ a spirit drink, wherever it originates from ”;
 - (cc) for “they were marketed” substitute “ it was marketed in Great Britain ”;
 - (dd) omit “Article 24(6) or”;
 - (ii) omit the second subparagraph;
 - (b) in paragraph 2—
 - (i) in the first subparagraph—
 - (aa) in the words before point (a), for “Commission may adopt implementing acts extending” substitute “ Secretary of State may, by regulations, extend ”;
 - (bb) in point (a), for “Commission” substitute “ Secretary of State ”;
 - (ii) omit the second subparagraph.
- (20) In Article 30—
- (a) in paragraph 1—
 - (i) in the first sentence—
 - (aa) for “Commission”, in both places it occurs, substitute “ Secretary of State ”;
 - (bb) for “it”, in the first place it occurs, substitute “ the Secretary of State ”;
 - (cc) for “Member State or third country applicant” substitute “ applicant or the authorities of the third country ”;
 - (dd) for “it”, in the second place it occurs, substitute “ the applicant or the authorities, as applicable, ”;
 - (ii) in the second sentence—

- (aa) for “Commission” substitute “ Secretary of State ”;
- (bb) for “it”, in the first place it occurs, substitute “ the Secretary of State ”;
- (cc) for “it shall, by means of implementing acts,” substitute “ the Secretary of State must ”;
- (iii) omit the last sentence;
- (b) in paragraph 2—
 - (i) for “Commission” substitute “ Secretary of State ”;
 - (ii) for the words from “it” to “47(2), to” substitute “ the Secretary of State must ”;
 - (iii) at the end insert “ in Great Britain's GIs Register ”;
- (c) in paragraph 3—
 - (i) in the words before point (a)—
 - (aa) for “Commission” substitute “ Secretary of State ”;
 - (bb) for “it” substitute “ the Secretary of State ”;
 - (ii) in point (a), for the words from “by” to “47(2),” substitute “ in Great Britain's GIs Register ”;
 - (iii) in point (b), for the words from “adopt” to the end substitute “ decide whether to register the name, and, if the Secretary of State decides to do so, register the name in Great Britain's GIs Register ”;
- (d) after paragraph 4 insert—

“5. After making a decision under this Article, the Secretary of State must publish in such manner as appears appropriate to the Secretary of State from time to time:

- (a) a notice:
 - (i) informing the applicant and the public of the decision made in relation to the application and the reasons for that decision, and
 - (ii) providing information about the right to appeal under Article 43 against the decision and the period within which an appeal may be made, and
- (b) where the application is approved, a copy of the approved product specification.

6. An implementing act to which paragraph 7 applies is revoked.

7. This paragraph applies to an implementing act adopted by the European Commission under Article 30 of EU Regulation 2019/787^{M49} and incorporated into domestic law by section 3(1) of the EUWA.”.

- (21) In Article 31—
 - (a) in paragraph 3, number the third subparagraph as paragraph 8;
 - (b) renumber paragraph 4 as paragraph 9;
 - (c) renumber paragraph 5 as paragraph 11;
 - (d) renumber paragraph 6 as paragraph 12;
 - (e) in paragraph 2—
 - (i) in point (a)—

- (aa) for “Union”, in the first place it occurs, substitute “ non-standard ”;
- (bb) for “at Union level” substitute “ under Article 27, as applied to applications for non-standard amendments by paragraph 9 ”;
- (ii) in point (b)—
 - (aa) after “amendments” insert “ . Standard amendments to a product specification for a geographical indication relating to an area in a third country are ”;
 - (bb) omit “Member State or”;
- (f) in paragraph 3, in the words before point (a), for “Union” substitute “ non-standard ”;
- (g) after the second subparagraph of paragraph 3 insert—

“4. Standard amendments are classified into four sub-categories taking into account the geographical area of the geographical indication affected by the amendment, the reason for the amendments and whether the amendments are being applied for on a temporary basis, as follows:

- (a) UK standard amendments;
- (b) UK temporary amendments;
- (c) third country standard amendments;
- (d) third country temporary amendments.

5. A UK standard amendment is a standard amendment of a product specification for a geographical indication relating to a geographical area in the United Kingdom.

6. A UK temporary amendment is a standard amendment concerning a temporary change in a product specification for a geographical indication relating to a geographical area in the United Kingdom:

- (a) resulting from the imposition of obligatory sanitary and phytosanitary measures, or linked to natural disasters formally recognised, by the Secretary of State, or imposed or formally recognised by:
 - (i) the Environment Agency in a case where, and to the extent that, a relevant geographical area in England is affected;
 - (ii) the Department of Agriculture, Environment and Rural Affairs, or the Department of Health, in a case where, and to the extent that, a relevant geographical area in Northern Ireland is affected;
 - (iii) the Scottish Ministers, Food Standards Scotland or the Scottish Environment Protection Agency, in a case where, and to the extent that, a relevant geographical area in Scotland is affected;
 - (iv) the Welsh Ministers, or the Natural Resources Body for Wales, in a case where, and to the extent that, a relevant geographical area in Wales is affected;
 - (v) the Food Standards Agency in a case where, and to the extent that, a relevant geographical area in England, Northern Ireland or Wales is affected, or

- (b) linked to adverse weather conditions formally recognised by the Met Office of the Department for Business, Energy and Industrial Strategy.

7. A third country standard amendment is a standard amendment of a product specification for a geographical indication relating to a geographical area in a third country.”;

- (h) in paragraph 8 (as numbered by sub-paragraph (a))—
 - (i) after “A” insert “ third country ”;
 - (ii) after “considered a” insert “ third country ”;
 - (iii) after “authorities”, in both places it occurs, insert “ of the third country concerned ”;
- (i) in paragraph 9 (as renumbered by sub-paragraph (b))—
 - (i) for “Union”, in the first place it occurs, substitute “ Non-standard ”;
 - (ii) for “Commission” substitute “ Secretary of State ”;
 - (iii) for “Union”, in the second place it occurs, substitute “ non-standard ”;
- (j) after paragraph 9 (as renumbered by sub-paragraph (b)) insert—

“10. A UK standard amendment and a UK temporary amendment must be approved by the Secretary of State.”;

- (k) in paragraph 11 (as renumbered by sub-paragraph (c))—
 - (i) omit the first sentence;
 - (ii) in the second sentence, for “As regards third countries,” substitute “ Third country standard amendments and third country temporary ”;
- (l) after paragraph 12 (as renumbered by sub-paragraph (d)) insert—

“13. An implementing act to which paragraph 14 applies is revoked.

14. This paragraph applies to an implementing act:

- (a) concerning a decision of the European Commission relating to an application to amend a product specification for a geographical indication protected in the European Union at the time the application was submitted,
- (b) adopted by the European Commission pursuant to Article 31 of EU Regulation 2019/787 following the procedure referred to in paragraph 4 of that Article, and
- (c) incorporated into domestic law by section 3(1) of the EUWA.”.

(22) In Article 32—

- (a) in paragraph 1, in the first subparagraph, in the words before point (a)—
 - (i) for “Commission may, on its” substitute “Secretary of State may, on the Secretary of State's”;
 - (ii) omit “adopt implementing acts to”;
- (b) in paragraph 2—
 - (i) for “Commission” substitute “ Secretary of State ”;
 - (ii) for “adopt implementing acts cancelling” substitute “ cancel ”;

- (c) in paragraph 3—
 - (i) for the words from “adopting” to “unless” substitute “ taking a decision to cancel a geographical indication, the Secretary of State must consult the original applicant. In the case of a geographical indication relating to an area in a third country, the Secretary of State must, where possible, consult the third country applicant who originally applied for the registration of the geographical indication or, where this is not possible, the authorities of the relevant third country. The provisions of this paragraph do not apply if”;
 - (ii) for “those original applicants” substitute “ the original applicant ”;
- (d) omit paragraph 4;
- (e) insert at the end as paragraphs 5 to 7—

“5. An implementing act to which paragraph 6 applies is revoked.

6. This paragraph applies to an implementing act adopted by the European Commission under Article 32 of EU Regulation 2019/787 and incorporated into domestic law by section 3(1) of the EUWA.

7. In this Article, in relation to a geographical indication to which paragraph 1 or 2 applies, ‘the original applicant’ means the person who submitted the application to the Secretary of State under Article 24 that resulted in the Secretary of State making the decision to register the geographical indication under this Regulation.”.

(23) In Article 33—

- (a) in paragraph 1, for the words from “Commission” to “establishing” substitute “ Secretary of State must establish and maintain ”;
- (b) in paragraph 2—
 - (i) in the second subparagraph, for the words from “provide” to the end substitute “ contain a copy of the single document and product specification for each geographical indication ”;
 - (ii) in the fourth subparagraph, for the words from “Commission” to “by” substitute “ Secretary of State may make regulations ”;
- (c) in paragraph 3—
 - (i) for “the Union”, in the first place it occurs, substitute “ Great Britain ”;
 - (ii) for “Union”, in the second place it occurs, substitute “ United Kingdom ”;
 - (iii) at the end insert—

“The entry in the register is to be treated as taking effect:

- (a) in a case where the register is established by the Secretary of State after IP completion day but before the end of the day following the day on which IP completion day falls and the entry is in the register as established during that period, on IP completion day;
- (b) in any other case, immediately the entry is entered in the register.”.

(24) In Article 35—

- (a) in paragraph 1, in the second subparagraph—
 - (i) in point (a), for “the Union” substitute “ Great Britain ”;

- (ii) in point (b) omit “Union or national”;
- (b) after paragraph 3 insert—

“4. In this Article, ‘the relevant legislation’ means the following legislation whenever passed or made:

- (a) an Act and an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act;
- (b) retained direct EU legislation;
- (c) Northern Ireland legislation, an enactment contained in an instrument made under Northern Ireland legislation, and, so far as it applies to Northern Ireland, anything that forms part of domestic law by virtue of section 7A of the EUWA and the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement;
- (d) an Act of the Scottish Parliament and an enactment contained in an instrument made under an Act of the Scottish Parliament;
- (e) a Measure or Act of Senedd Cymru and an enactment contained in an instrument made under a Measure or Act of Senedd Cymru.”.

(25) In Article 36(2)—

- (a) omit the words from “if” to “concerned,”;
- (b) for “Union” substitute “ United Kingdom ”;
- (c) for “Commission” substitute “ Secretary of State ”;
- (d) for the words from “under” to the end substitute “ in, or under, the Trade Marks Act 1994 ”.

(26) In Article 37—

- (a) in the heading, for “**Existing registered**” substitute “ **Established** ”;
- (b) in the first sentence, for the words from the beginning to “that Regulation” substitute “ Established geographical indications ”;
- (c) in the second sentence—
 - (i) for “Commission” substitute “ Secretary of State ”;
 - (ii) at the end insert “ and the registration takes effect on IP completion day ”.

(27) Article 38 is amended in accordance with paragraphs (28) to (34).

(28) In paragraph 1—

- (a) for “Member States” substitute “ The Secretary of State ”;
- (b) after “drinks” insert “ in Great Britain ”.

(29) In paragraph 2—

- (a) in the first subparagraph—
 - (i) in the words before point (a), for “the Union” substitute “ Great Britain ”;
 - (ii) for point (a) and the “or” following it substitute—
 - “(a) the authority designated for that purpose by regulation 5 of the Spirit Drinks Regulations 2008^{M50} as that regulation extends to Great Britain; or”;
 - (iii) in point (b)—
 - (aa) for “control” substitute “ delegated ”;

- (bb) for “(EC) No 882/2004” substitute “ (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products ”;
 - (b) in the second subparagraph, for “a Member State applies Article 24(2)” substitute “ Article 24(2) applies ”;
 - (c) omit the third subparagraph.
- (30) After paragraph 2 insert—

“**2a.** But, to the extent specified in paragraph 2b, paragraph 2 does not apply where the authority referred to in paragraph 2(a) or a delegated body referred to in paragraph 2(b) has previously verified that the relevant spirit drink complies with the specifications in a corresponding EU product specification for a corresponding EU geographical indication in connection with the placing of the relevant spirit drink on the market in Northern Ireland.

2b. Paragraph 2a applies to the extent that the specifications in the corresponding EU product specification for the corresponding EU geographical indication are the same as the specifications in the GB product specification for the registered geographical indication.”.

- (31) In paragraph 3—
- (a) in the words before point (a), after “within” insert “ Northern Ireland or ”;
 - (b) after the words before point (a) insert as point (aa)—
 - “(aa) in relation to a product produced in Northern Ireland, the authority designated for that purpose by regulation 5 of the Spirit Drinks Regulations 2008^{M51} as that regulation extends to Northern Ireland;”;
 - (c) in point (a), at the beginning insert “ in relation to a product produced in a third country, ”;
 - (d) in point (b), at the beginning insert “ in relation to a product produced in Northern Ireland or a third country, ”.
- (32) For paragraph 4 substitute—

“**4.** The Secretary of State must:

- (a) publish, in such manner as appears appropriate to the Secretary of State, the names and addresses of the competent authorities and bodies referred to in paragraphs 2 and 3, and
- (b) update that information in such manner as appears appropriate to the Secretary of State from time to time.”.

- (33) In paragraph 5—
- (a) for “control” substitute “ delegated ”;
 - (b) omit the words from “or” to the end.
- (34) After paragraph 6 insert—

“**7.** In relation to a relevant spirit drink that is to be placed on the market in Great Britain—

- (a) ‘a corresponding EU geographical indication’ means a geographical indication which is protected in the European Union under EU Regulation 2019/787 and that corresponds to the registered geographical indication;
- (b) ‘a corresponding EU product specification’ means—
 - (i) a product specification for a corresponding EU geographical indication, as that product specification stands at the time when, but for paragraph 2a, the authority or a delegated body referred to in paragraph 2 would otherwise be obliged, under paragraph 2, to verify that the relevant spirit drink complies with the specifications in the GB product specification for the registered geographical indication, or
 - (ii) a technical file for a corresponding EU geographical indication that is deemed to be a product specification under Article 22 of EU Regulation 2019/787 by virtue of Article 22(2) of that Regulation as that product specification stands at the time when, but for paragraph 2a, the authority or a delegated body referred to in paragraph 2 would otherwise be obliged, under paragraph 2, to verify that the relevant spirit drink complies with the specifications in the GB product specification for the registered geographical indication;
- (c) ‘the GB product specification’ means the product specification referred to in Article 22(1) for the registered geographical indication and includes a technical file for a registered geographical indication that is deemed to be a product specification under that Article by virtue of Article 22(2).”.

(35) In Article 39—

- (a) in paragraph 1—
 - (i) for “Member States shall carry out checks” substitute “ Checks must be carried out ”;
 - (ii) omit “shall take”;
 - (iii) after “measures” insert “ must be taken ”;
- (b) in paragraph 2—
 - (i) in the first subparagraph—
 - (aa) omit “Member States shall take”;
 - (bb) after “steps” insert “ must be taken ”;
 - (cc) for “their territory” substitute “ Great Britain ”;
 - (ii) in the second subparagraph—
 - (aa) for “Member States shall designate the authorities that” substitute “ the authorities designated in regulation 6 of the Spirit Drinks Regulations 2008 in relation to this Article, as that regulation extends to Great Britain, ”;
 - (bb) omit the words from “, in” to the end;
- (c) in paragraph 3—
 - (i) omit the first sentence;
 - (ii) in the second sentence—
 - (aa) for “Commission” substitute “ Secretary of State ”;
 - (bb) at the end insert “ in such manner as appears appropriate to the Secretary of State from time to time ”.

(36) In Article 40—

- (a) in paragraph 1, for “(EC) No 882/2004” substitute “ (EU) 2017/625 ”;

- (b) in paragraph 2—
 - (i) for “Member States” substitute “ The Secretary of State ”;
 - (ii) for “41 to 43 of Regulation (EC) No 882/2004” substitute “ 109(1), 110(2) and 111(2) of Regulation (EU) 2017/625 ”;
 - (c) in paragraph 3, for “44(1) of Regulation (EC) No 882/2004” substitute “ Article 113(1) of Regulation (EU) 2017/625 ”.
- (37) In Article 41—
- (a) for the heading substitute— “ Article 41 Power to make supplementary provisions by regulations ”;
 - (b) in paragraph 1—
 - (i) in the words before point (a), for the words from “Commission” to “46” substitute “ Secretary of State may make regulations ”;
 - (ii) in point (b)—
 - (aa) omit the words from the beginning to “24,”;
 - (bb) for “Commission” substitute “ Secretary of State ”;
 - (c) in paragraph 2—
 - (i) for the words from “Commission” to “46” substitute “ Secretary of State may make regulations ”;
 - (ii) for “the Union” substitute “ non-standard ”.
- (38) In Article 42—
- (a) for the heading substitute— “ Article 42 Power to make detailed rules by regulations ”;
 - (b) in paragraph 1—
 - (i) in the words before point (a), for “Commission may adopt implementing acts” substitute “ Secretary of State may make regulations ”;
 - (ii) in point (c)—
 - (aa) for “Union amendments” substitute “ non-standard, UK standard and UK temporary amendments as referred to in Article 31(3), (5) and (6) respectively, ”;
 - (bb) for “standard and” substitute “ third country standard and third country ”;
 - (cc) for “31(4) and (5)” substitute “ 31(7) and (8) ”;
 - (iii) in point (e) omit “by the Member States”;
 - (c) in paragraph 2, for the words from “Commission” to “acts” substitute “ Secretary of State may make regulations ”;
 - (d) omit paragraph 3.
- (39) After Chapter 3 insert the new Chapter 4 in Part 2 of Schedule 10.
- (40) For Article 46 substitute—

*“Article 46
Regulations*

[^{F7}1. Regulations made under this Regulation are to be made by statutory instrument.

1A. A statutory instrument containing regulations under Article 36d(4) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

1B. Any other statutory instrument containing regulations made under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.]

2. Such regulations may:

- (a) contain supplementary, incidental, consequential, transitional or saving provision (including provision amending, repealing or revoking an enactment);
- (b) make different provision for different purposes.

3. In this Article, ‘enactment’ means:

- (a) an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act, except to the extent that the enactment extends to Northern Ireland;
- (b) regulations made under retained direct principal EU legislation, except to the extent that they extend to Northern Ireland;
- (c) retained direct minor EU legislation, except to the extent that it extends to Northern Ireland.”.

(41) Omit Article 47.

(42) In Article 49—

- (a) omit paragraphs 1 and 2;
- (b) in paragraph 3—
 - (i) after “shall” insert “, so far as they relate to matters previously covered by Chapter 3 of Regulation (EC) No 110/2008 as it had effect in EU law before it was repealed by Article 49 of EU Regulation 2019/787,”;
 - (ii) for “correlation table” substitute “ entries in the correlation table relating to that Chapter ”.

(43) In Article 50—

- (a) omit paragraph 1;
- (b) omit paragraph 4;
- (c) in paragraph 6—
 - (i) in the first sentence, for the words from “geographical” to the end substitute “ an established geographical indication originally registered in accordance with EU Regulation 110/2008 the Secretary of State must, at the request of any natural or legal person having a legitimate interest, or, in the case of an established geographical indication relating to an area in a third country, via the authorities of the third country, publish a single document relating to the geographical indication submitted by that applicant or authority ”;
 - (ii) in the second sentence—
 - (aa) for “the publication reference” substitute “ a copy ”;
 - (bb) after “and” insert “ , unless the Secretary of State decides otherwise, ”.

(44) After Annex 1 insert the new Annex 2 in Part 3 of Schedule 10.

F7 Words in [reg. 28\(40\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1661\)](#), regs. 1(2)(b), **16(6)**

Commencement Information

I13 Reg. 28 in force at 31.12.2020, see reg. 1(7)

Marginal Citations

M47 Points (8) to (12) of Article 3 of Regulation (EU) 2019/787 of the European Parliament and of the Council (OJ No. L 130, 17.5.2019, p. 1), as that Article stands immediately before IP completion day, do not form part of domestic law because those points were not operative immediately before IP completion day so are not provisions of EU law to which section 3 of the [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#) applies.

M48 OJ No. L 39, 13.2.2008, p. 16, last amended by Regulation (EU) 2019/787 of the European Parliament and of the Council (OJ No. L 130, 17.5.2019, p. 1).

M49 OJ No. L 130, 17.5.2019, p. 1.

M50 The Commissioners for Her Majesty's Revenue and Customs are designated as the authority responsible for the purpose of verifying compliance with product specifications pursuant to Article 38 of [EU 2019/787](#) in relation to products produced in Great Britain by regulation 5 of the [Spirit Drinks Regulations 2008](#) as that regulation extends to Great Britain ([S.I. 2018/3206](#) as amended by [S.I. 2019/1289](#) and regulation 10 of this instrument).

M51 The Commissioners for Her Majesty's Revenue and Customs are designated as the authority responsible for the purpose of verifying compliance with product specifications pursuant to Article 38 of Regulation (EU) 2019/787 of the European Parliament and of the Council (OJ No. L 130, 17.5.2019, p. 1) in relation to products produced in Northern Ireland by regulation 5 of the [Spirit Drinks Regulations 2008](#) as that regulation extends to Northern Ireland ([S.I. 2018/3206](#) as amended by [S.I. 2019/1289](#) and regulation 13 of this instrument).

Commission Delegated Regulation (EU) 2019/934

29.—(1) Commission Delegated Regulation (EU) 2019/934 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards wine-growing areas where the alcoholic strength may be increased, authorised oenological practices and restrictions applicable to the production and conservation of grapevine products, the minimum percentage of alcohol for by-products and their disposal, and publication of OIV files^{M52} is amended as follows.

(2) In Article 1, omit “wine-growing areas where the alcoholic strength may be increased.”.

(3) After Article 1 insert—

“Article 1a

Definitions

In this Regulation:

- (a) ‘the 1990 Act’ means the Food Safety Act 1990;
- (b) ‘appropriate authority’ means:
 - (i) in relation to England, the Secretary of State;
 - (ii) in relation to Scotland, the Scottish Ministers;
 - (iii) in relation to Wales, the Welsh Ministers;

- (c) ‘constituent nation’ means England, Scotland or Wales as the case may be.”.
- (4) Omit Article 2.
- (5) In Article 4—
- (a) in paragraph 1—
- (i) in the first subparagraph, for “each Member State may authorise” substitute “the appropriate authority may, on application, authorise, in particular cases, by administrative decision”;
- (ii) in point (c)—
- (aa) for “Member State” substitute “appropriate authority”;
- (bb) for “Commission and the other Member States” substitute “other appropriate authorities”;
- (b) in paragraph 2, for the words from “Member State other” to “of the Member State” substitute “constituent nation other than the constituent nation concerned provided the appropriate authority authorising the experiment gives prior notification to the appropriate authority of the constituent nation”;
- (c) in paragraph 3—
- (i) for “Member State” substitute “appropriate authority”;
- (ii) for “Commission”, in the first place it occurs, substitute “other appropriate authorities”;
- (iii) omit the final sentence;
- (d) in paragraph 4—
- (i) in the first sentence—
- (aa) for “Member State concerned” substitute “appropriate authority that authorised the experiment”;
- (bb) for “Commission” substitute “other appropriate authorities”;
- (ii) for the second sentence substitute—
- “The applicant must submit appropriate supporting information with the application.”;
- (iii) for the final sentence substitute—
- “An application for authorisation to continue an experiment must be approved by the other appropriate authorities.”;
- (e) omit paragraph 5.
- (6) In Article 10—
- (a) in paragraph 1, for “Member States may authorise” substitute “nothing in this Regulation prevents regulations from being made under the 1990 Act authorising”;
- (b) for paragraph 3 substitute—
- “3. Nothing in this Regulation prevents regulations from being made under the 1990 Act:
- (a) requiring denaturing agents or indicators to be added to wines referred to in the first sentence of paragraph 1 in order to make them more easily identifiable;

- (b) where the appropriate authority is of the opinion that it is justified, prohibiting uses provided for in the second sentence of paragraph 1 and requiring relevant products to be destroyed.”;
 - (c) in paragraph 4, for “Union or national rules in force” substitute “ law that was in force in the relevant constituent nation immediately ”.
- (7) In Article 11, in the second sentence, for “Member States may permit” substitute “ nothing in this Regulation prevents regulations from being made under the 1990 Act authorising ”.
- (8) Omit Article 12.
- (9) In Article 13—
- (a) in paragraph 1—
 - (i) in the first sentence, for “Member States shall” substitute “ the appropriate authority must, by regulations made under the 1990 Act, ”;
 - (ii) in the second sentence, for “Member States may” substitute “ The appropriate authority may, by regulations made under the 1990 Act, ”;
 - (b) in paragraph 2, for “by Member States” substitute “ in regulations made by the appropriate authority ”;
 - (c) in paragraph 3—
 - (i) in the words before point (a), for “strengths” substitute “ strength ”;
 - (ii) for the words from “in the different” to the end substitute “ is 8.0% ”.
- (10) In Article 14—
- (a) in paragraph 1, for “authorities of the Member States” substitute “ authority of the relevant constituent nation ”;
 - (b) in paragraph 2, for “Union legislation” substitute “ retained EU law ”;
 - (c) in paragraph 3, for “Member States may decide” substitute “ Nothing in this Regulation prevents the appropriate authority from using any power the authority has to make subordinate legislation to provide ”;
 - (d) in paragraph 4, for “Member State” substitute “ constituent nation ”;
 - (e) in paragraph 5—
 - (i) for “Member States may decide” substitute “ Nothing in this Regulation prevents the appropriate authority from using any power the authority has to make subordinate legislation to provide ”;
 - (ii) omit “made”;
 - (f) after paragraph 5 insert—
- “6. In this Article, ‘retained EU law’ has the meaning given in section 6(7) of the European Union (Withdrawal) Act 2018 but does not include any legislation so far as it extends to Northern Ireland.”.
- (11) After Article 17 omit the words from “This Regulation” to “States.”.

Commencement Information

I14 Reg. 29 in force at 31.12.2020, see reg. 1(7)

Marginal Citations

M52 EUR 2019/934.

Commission Implementing Regulation (EU) 2019/935

30.—(1) Commission Implementing Regulation (EU) 2019/935 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards analysis methods for determining the physical, chemical and organoleptic characteristics of grapevine products and notifications of Member States decisions concerning increases in natural alcoholic strength ^{M53} is amended as follows.

- (2) In Article 1 omit “by Member States”.
- (3) In Article 2—
 - (a) in the heading, omit “**Union**”;
 - (b) omit “Union”.
- (4) In Article 3—
 - (a) in the heading, omit “**Member States**”;
 - (b) in paragraph 1—
 - (i) for “Member States”, in the first place it occurs, substitute “ An appropriate authority ”;
 - (ii) for “Commission” substitute “ other appropriate authorities ”;
 - (iii) for “In the notification, the Member States” substitute “ The notification ”;
 - (iv) for “they” substitute “ the appropriate authority ”;
 - (c) for paragraphs 2 and 3 substitute—

“**2.** In this Article, ‘appropriate authority’ means:

- (a) in relation to England, the Secretary of State;
- (b) in relation to Scotland, the Scottish Ministers;
- (c) in relation to Wales, the Welsh Ministers.”.

- (5) After Article 4 omit the words from “This Regulation” to “States.”.

Commencement Information

I15 Reg. 30 in force at 31.12.2020, see reg. 1(7)

Marginal Citations

M53 EUR 2019/935.

Regulation (EU) 2019/1753 of the European Parliament and of the Council

31. Regulation (EU) 2019/1753 of the European Parliament and of the Council on the action of the Union following its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications ^{M54} is revoked.

Commencement Information

I16 Reg. 31 in force at 31.12.2020, see reg. 1(7)

Marginal Citations

M54 EUR 2019/1753.

Commission Implementing Regulation (EU) 2020/198

32.—(1) Commission Implementing Regulation (EU) 2020/198 laying down rules for the application of Regulation (EU) No 251/2014 of the European Parliament and of the Council as regards the establishment of the register of geographical indications protected in the sector of aromatised wine products and the listing of the existing geographical designations in that register^{M55} is amended as follows.

(2) In Article 1—

(a) omit paragraph 1;

(b) in paragraph 2, after “register” insert “established and maintained by the Secretary of State under Article 21 of Regulation (EU) No 251/2014 (‘the register’)”.

(3) In Article 2, in the words before point (a)—

(a) at the beginning insert “ The Secretary of State must list ”;

(b) omit “are listed”.

(4) After Article 3 omit the words from “This Regulation” to “States.”.

Commencement Information

I17 Reg. 32 in force at 31.12.2020, see reg. 1(7)

Marginal Citations

M55 EUR 2020/198.

Changes to legislation:

There are currently no known outstanding effects for the The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020, PART 5.